

Exhibit 20

PLAINTIFF HARFORD COUNTY BOARD OF EDUCATION OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (HARFORD) (SD MSJ NO. 6)

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-03065-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA)
ADOLESCENT ADDICTION/)
PERSONAL INJURY PRODUCTS)
LIABILITY LITIGATION) MDL No. 3047
) Case No. 4:22-md-03047-YGR

This Document Relates To:)

ALL ACTIONS)

VIDEOTAPED DEPOSITION OF
JACKIE RAY SMITH, Ph.D.
SEPTEMBER 12, 2025
9:35 a.m. to 2:20 p.m.

Covington & Burling
850 10th St NW, Washington, DC 20001

Reported By: Amanda Blomstrom, RMR, CRR,
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OPERATIONS, LLC; FACEBOOK PAYMENTS, INC.; FACEBOOK
TECHNOLOGIES, LLC; INSTAGRAM, LLC; SICULUS, INC.;
10 AND MARK ELLIOT ZUCKERBERG:

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1 THE VIDEOGRAPHER: We are now on the
2 record.

3 My name is Jon Rasson. I am a
4 videographer for Golkow, a Veritext division.

5 Today's date is Friday, September
6 12th, 2025, and the time is 9:35 a.m. Eastern
7 Daylight Time.

8 This video deposition is being held
9 at 850 Tenth Street, Northwest, Washington, D.C.,
10 In the Matter of Social Media Adolescents
11 Addiction/Personal Injury Products Liability
12 Litigation, for the United States District Court,
13 Northern District of California.

14 The deponent is Dr. Jack Smith.

15 Will counsel please identify
16 themselves.

17 MR. LEE: Yeah, this is Nick Lee for
18 the Plaintiffs.

19 MR. PISTILLI: Christian Pistilli,
20 Covington & Burling.

21 THE VIDEOGRAPHER: The court reporter
22 is Amanda Blomstrom and will now swear in the
23 witness.

24 //

25 //

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1 JACKIE RAY SMITH Ph.D.,
2 having been first duly sworn, testified as
3 follows:

4 EXAMINATION

5 BY MR. LEE:

6 Q. So can you state your full name for the
7 record.

8 A. My name is Dr. Jack R. Smith.

9 Q. Okay.

10 A. Actually, my legal name on my passport is
11 Jackie Ray Smith.

12 Q. All right. So I'm Nick Lee. I'm one of
13 the attorneys for the Plaintiffs, as you just
14 heard, and I'll be taking your deposition today
15 regarding the report you submitted in this case.

16 Can we pull up Tab 0 and mark it as
17 Exhibit 1.

18 (Meta-Smith-1 marked.)

19 MR. LEE: And there you go.

20 BY MR. LEE:

21 Q. Okay. Dr. Smith, do you recognize this
22 document?

23 A. Yes. This document was shared with me.

24 Q. Okay. And then this was just the Notice
25 of Deposition for you to appear today; is that

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1 correct?

2 A. That's my understanding.

3 Q. Okay. Great.

4 All right. So let's pull up Tab A and
5 mark it as Exhibit 2.

6 (Meta-Smith-2 marked.)

7 BY MR. LEE:

8 Q. Dr. Smith, do you recognize this
9 document?

10 A. Yes, I do.

11 Q. Okay. And is this document a copy of the
12 report you submitted in this matter on July 11th,
13 2025?

14 A. Yes, it appears to be my report.

15 Q. Okay. And are you aware that Harford
16 County Board of Education on behalf of Harford
17 County Public Schools is one of many plaintiffs in
18 this litigation?

19 A. I am aware of that.

20 Q. Okay. And Harford County Board of
21 Education on behalf of Harford County Public
22 Schools is a mouthful, so can we agree that if I
23 say "Harford" or HCPS, you'll know that I'm
24 talking about the plaintiff?

25 A. I can agree.

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1 Q. Okay. Great.

2 And you were retained by counsel for
3 defendants in this litigation; is that correct?

4 A. That is correct.

5 Q. Okay. Do you know who the defendants in
6 this litigation are?

7 A. I believe I know all of them.

8 Q. Okay. Well, the defendants include
9 Google, which owns a platform YouTube; ByteDance
10 Inc., which owns the platform TikTok; Meta, which
11 owns the platform Facebook and Instagram; and Snap
12 Inc., which owns the platform called Snapchat. So
13 if I say "defendants," you'll know that I'm
14 referring to all the defendants in the case?

15 A. Yes, I would understand that.

16 Q. Okay. And if I say "YouTube," you'll
17 know that I am also referring to Google?

18 A. Yes.

19 Q. Okay. And "TikTok," also ByteDance?

20 A. That makes sense.

21 Q. Yep.

22 And "Facebook" or "Instagram," and I'm
23 referring to Meta?

24 A. Okay --

25 Q. Yeah.

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1 A. -- I understand.

2 Q. All right. And "Snapchat," I'm also
3 referring to Snap Inc., okay?

4 A. Okay.

5 Q. All right. Great.

6 Okay. So your report considers the
7 opinions of Dr. Brian G. Osborne and Dr. Sharon
8 Hoover, correct?

9 A. I did review those reports and use them
10 in this report.

11 Q. Okay. And then so you were specifically
12 responding to their opinions; is that correct?

13 A. I did respond to their opinions.

14 Q. Okay. And then, did you respond to the
15 opinions of any other experts?

16 A. No.

17 Q. Okay.

18 A. Only in a general sense.

19 Q. What do you mean by that?

20 A. Well, I read a great number of documents
21 for this. So if you want to call that a response,
22 I responded to them. Otherwise, it just informed
23 my opinions.

24 Q. Oh, okay. So other than reviewing them.

25 But you're not specifically disputing

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1 anything in those reports; you just reviewed them?

2 A. I just used them, yes.

3 Q. Okay. All right.

4 So you also considered certain
5 documents produced by HCPS as well?

6 A. Yes.

7 Q. Do any of your opinions relate to any
8 other school district in this litigation besides
9 Harford?

10 A. It was my understanding that it was a
11 collective and that they -- my report could be
12 used by the group.

13 Q. Okay. But your materials considered, you
14 only considered Harford records; is that right?

15 A. That is correct.

16 Q. Okay. So would it be accurate to say
17 that, as far as your case-specific opinions,
18 they're limited to Harford?

19 A. For this, the purposes of this report, it
20 was specific to Harford.

21 Q. Okay. So do you have general opinions
22 outside of those expressed to Harford that would
23 apply to all school districts?

24 A. Well, after 45 years of being involved in
25 public education, I have a lot of opinions.

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1 Specific to what I was asked to do, none beyond
2 this report.

3 Q. Okay.

4 A. I would say, just to be accurate, I also
5 reviewed material about Baltimore City, and that
6 could have informed this report, at least in a
7 very general sense in the way operations were
8 done.

9 Q. Sure.

10 Okay. But Baltimore City isn't -- you
11 do understand that Baltimore City isn't currently
12 in the pool of bellwether cases that's moving
13 forward?

14 A. I do understand that.

15 Q. Okay. All right.

16 So is this your first time being
17 deposed as an expert?

18 A. It is my first time being deposed as an
19 expert.

20 Q. Okay. So have you been told sort of the
21 ground rules for an expert deposition?

22 A. I did spend time with the attorneys from
23 Covington discussing the process and procedures,
24 et cetera.

25 Q. Okay. Great.

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1 So just to kind of refresh -- I'm sure
2 they did a great job, but just to refresh, all
3 your testimony today is under oath, under penalty
4 of perjury, as if you were testifying in the court
5 of law.

6 Do you understand that?

7 A. I do understand that.

8 Q. Okay. And please let me know if you
9 can't hear or understand the question. If you
10 answer, we're going to assume that you could hear
11 the question and that you're answering the
12 question. Okay?

13 A. I understand that, yes.

14 Q. All right. And, for the sake of the
15 record, your answers should be out loud; so don't
16 nod, shrug, or gesture.

17 A. Okay.

18 Q. You're laughing because I'm doing it as
19 I'm talking right now?

20 A. Yes.

21 Q. But, you know, I guess that's my
22 prerogative, right?

23 A. Absolutely.

24 Q. Okay. But you understand that we need a
25 verbal answer, right?

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1 A. I do understand that.

2 Q. Yeah, okay, great.

3 And then -- so also, just for the sake
4 of the record and our court reporter, you should
5 try and answer after I've had an opportunity to
6 finish my question, so, you know, and then your
7 attorney will have a chance to respond and object
8 if he wants to. Okay?

9 A. That makes sense. I understand that.

10 Q. All right. Great.

11 And I'm happy to take a break and go
12 off the record if you need one. I like taking
13 breaks too. Very fine with me. But, you know,
14 we're working with some limited time here and I'm
15 entitled to an answer to my questions before we go
16 off.

17 You understand that?

18 A. I do understand that.

19 Q. Okay. Great.

20 And then, last thing is, objections
21 are for the record. So unless your attorney
22 instructs you not to answer, you should answer.
23 The judge will determine whether your answers are
24 admissible. Okay?

25 A. I do understand that.

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1 Q. Okay. Great.

2 Dr. Smith, did social media exist
3 before COVID-19?

4 A. Social media existed prior to COVID-19 in
5 different forms, yes.

6 Q. Did YouTube exist prior to COVID-19?

7 A. I don't actually know the answer to that
8 question. I believe it did --

9 Q. Okay.

10 A. -- but I wouldn't want to go on -- you
11 know, I wouldn't bet any money on that. I just --
12 I believe it did.

13 Q. Okay. Did Facebook exist before
14 COVID-19?

15 A. Yes, I believe it did; although, once
16 again, I don't know specifically when Facebook
17 entered our world.

18 Q. Okay. Did Instagram exist before
19 COVID-19?

20 A. I think so. I believe it did.

21 Q. Okay. And then, did Snapchat exist
22 before COVID-19?

23 A. I don't have any idea.

24 Q. Okay. What about TikTok?

25 A. I once again don't have any idea.

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1 Q. Okay. So while you were the
2 superintendent of Montgomery County Public
3 Schools, it sounds like you weren't aware of
4 whether Snapchat or TikTok were in existence at
5 that time?

6 A. I don't remember. I may have, you know,
7 had some interaction with something about one of
8 them, but I just, I actually don't remember.
9 Those two names are not as prevalent in my world
10 or my memory as the others are.

11 Q. Yeah, and to be clear, the others are
12 YouTube, Facebook, Instagram, as opposed to
13 Snapchat and TikTok?

14 A. That would be accurate.

15 Q. Okay. And while you were superintendent
16 of Montgomery County Public Schools, were you at
17 all concerned by social media addiction?

18 A. That was not a topic that ever came up
19 while I was superintendent of Montgomery County
20 Public Schools, in my memory.

21 Q. Okay. What about problematic student use
22 of social media?

23 A. There has been use of student -- there
24 has been involvement with students in social media
25 since I was a principal in the early 2000s in

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1 Calvert County Public Schools. So it has been a
2 part of that reality since the early 2000s.

3 Q. And you -- you agree that some of it is
4 problematic?

5 MR. PISTILLI: Objection; misstates
6 prior testimony.

7 THE WITNESS: I have dealt with
8 incidents.

9 BY MR. LEE:

10 Q. Okay. And then, have you ever been
11 concerned about excessive use of social media?

12 MR. PISTILLI: Objection; vague.

13 THE WITNESS: I can't say that it's
14 been something that's been on the top of my mind
15 as a professional focused on student learning and
16 student well-being.

17 BY MR. LEE:

18 Q. Okay. Well, what about compulsive use of
19 social media?

20 A. Once again, I would provide the same
21 response. It has not been in the forefront of the
22 issues and topics that I've dealt with on a
23 regular basis.

24 Q. Okay.

25 So can we pull up Tab YY and mark it

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1 as Exhibit No. 3.

2 (Meta-Smith-3 marked.)

3 MR. LEE: I'm sorry.

4 BY MR. LEE:

5 Q. All right. Dr. Smith, do you recognize
6 this document?

7 A. I do recognize this document.

8 Q. Okay. This is a memorandum from you in
9 your role as Superintendent of Montgomery County
10 Public Schools to the members of the Montgomery
11 County Board of Education; is that correct?

12 A. That is correct.

13 Q. Okay. And then, this one is dated
14 March 27th, 2019; is that correct?

15 A. That is correct.

16 Q. Okay. And then the subject is: Student
17 Screen Time; is that correct?

18 A. Yes.

19 Q. Okay. So I'm going to read a little bit
20 of this, and then we'll -- we'll talk about it.
21 But -- okay. So, "Question. "During public,
22 comments, Ms. Silvestre requested information
23 regarding strategies for reducing the amount of
24 student screen time as referenced in the testimony
25 of Dr. Spector."

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12 Did I read that correctly?

13 A. I wasn't following, but I assume so.

14 | O. Okay. All right. That's fair enough.

15 All right. So I'm going to pick up
16 with the word "Beginning." And, you know, there
17 is a screen in front of you that might be easier
18 to follow along.

19 A. Okay.

20 Q. Just letting you know.

21 So "Beginning in 2016-2017 school year
22 with Grades 6-8, this program has been implemented
23 in stages among elementary, middle, and high
24 school students who receive instruction through
25 age- appropriate curricula."

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1 So did I read that correctly?

2 A. Yes.

3 Q. Okay. So, Dr. Smith, do you recall
4 partnering with Common Sense Education to provide
5 digital citizenship training to all students in
6 Montgomery County?

7 A. I do actually recall this. It was
8 shortly after I joined Montgomery County, July 1st
9 of 2016. I don't remember exactly when. Sometime
10 in the -- there was students involved, so it had
11 to be after Labor Day when school had begun, and
12 we partnered with them. It's something that had
13 been in the works when I got there. And we had a
14 ceremony at a middle school about it, actually,
15 with students in the room.

16 Q. Okay. So you said this was in the works
17 before. So presumably your predecessor had kind
18 of initiated this partnership?

19 A. That would be my assumption, absolutely.

20 Q. Okay. Did you think this training was
21 needed at the time?

22 A. I thought it had value across all aspects
23 of the digital world. We were also simultaneously
24 implementing a lot of -- of use of Chromebooks,
25 and so just to use the digital world, and I had

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1 talked with people when this event happened at
2 Common Sense Education, and they made sense, and
3 about the entire digital world, it made sense, I
4 thought, so ...

5 Q. Okay. And then, do you know if Harford
6 implemented a digital citizenship program prior to
7 the pandemic?

8 A. I do not know if it was prior to the
9 pandemic. I know there are references in
10 Harford's material that they use it; although, I
11 couldn't find it in a pervasive or systematic way,
12 because that was something I was looking for as I
13 reviewed their materials.

14 Q. Okay. And why did you feel that it was
15 important to address, you know, the public
16 comments by Dr. Spector in this memo?

17 A. So this was a public comment. And prior
18 to being in Montgomery County Public Schools,
19 there had been public comment at the State Board
20 of Education meeting when I was the chief academic
21 officer and deputy superintendent there and the
22 interim superintendent, mostly about the impact of
23 the digital world on students' neurological
24 development; I mean, the idea of use -- cell
25 phones and using all of the wires in this room.

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1 And I know I'm being very simplistic, but that --
2 I don't have a great understanding of what the
3 speakers were referencing or the accuracy or
4 validity of it. But it was something that was
5 emerging with public speakers during that time in
6 my career.

7 And so, when I saw Common Sense
8 Education, as part of Common Sense Media coming to
9 Montgomery County, it certainly didn't appear that
10 it would have any negative effects to give kids as
11 much information as we could about the digital
12 world that was emerging exponentially at that
13 time.

14 Q. Okay. So is Common Sense Media a
15 trustworthy organization then?

16 A. As far as I know. I have no reason to
17 believe it's not.

18 Q. Okay. And you mentioned that you had
19 seen some presentations about the neurological
20 impacts of social -- or I guess, really, screen
21 time is what this is about, and then -- sorry, let
22 me start over because that wasn't clear.

23 You said that you had seen some
24 presentations about the neurological impact of
25 technology. Would you consider yourself an expert

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1 in neurological science?

2 A. I would not consider myself an expert in
3 neurological science; although, I do have some
4 background in that. More importantly, what I
5 think I said or what I should have said is that,
6 there were public comments about it at the State
7 Board of Education and then in Montgomery County,
8 including things like cell phone towers and the
9 use of cell phones, the use of wireless Internet
10 in school buildings, the use of the digital
11 equipment, as I said, on this table. There were
12 lots of -- of public comments about that for
13 people who would sign up and come. "Lots" may be
14 an exaggeration. There were enough that I
15 remember them.

16 Q. Okay.

17 A. And this was one of them.

18 Q. Okay. So but do you have a general
19 understanding of the impact of technology on
20 neurological development?

21 A. I -- I have not seen anything conclusive
22 about that. In my career, I've seen a lot of
23 different writings about it, but I -- and I -- as
24 I've said, I'm not an expert in that area, but --

25 Q. Okay.

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1 A. -- nothing that said, We have figured out
2 that this does this for sure.

3 Q. So you'd agree that this public comment
4 raised concerns, and more education about
5 technology and screen time was needed?

6 MR. PISTILLI: Object to the form.

7 THE WITNESS: Well, the way a public
8 comment works is, the school board or the state
9 board listens to the public comment, and usually,
10 there are anywhere from zero -- often there are,
11 almost every meeting there are, public comments;
12 rarely ever is there a time without them. And
13 they range from a few to maybe 15 or 20, or if
14 there is something going on in the system or the
15 state, might be, you know, 50 or a whole meeting
16 of public comments.

17 And then the board members, the policy
18 is not to respond to a public comment, but at the
19 end of all the public comments, they typically
20 direct the superintendent on any of the ones they
21 want to know about, to bring that information or
22 look at it or, you know, whatever.

23 Or the superintendent can say, I want
24 to study this because this is interesting. And
25 this was Karla Silvestre, who is a new member of

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1 the board, and she asked for information about
2 this person's statements.

3 BY MR. LEE:

4 Q. Okay. So would it be accurate to say
5 that a member of your Board of Education wanted to
6 know more about this subject back in 2019?

7 A. That would be accurate.

8 Q. Okay.

9 All right. If we can just keep going
10 down toward the bottom of Page 1, there is a list,
11 starting with, "Following are resources available
12 via Common Sense Education to help address
13 students' use of screen time."

14 Do you see that?

15 A. I do see that.

16 Q. Okay. All right. So, let me see. So,
17 No. 4, that one says, "Tools to use your device
18 less that includes screen time features for iPhone
19 and Android."

20 Do you think that limiting screen time
21 in children and teenagers is important?

22 MR. PISTILLI: Objection; outside the
23 scope.

24 MR. LEE: Outside the scope of what?

25 MR. PISTILLI: His expert opinions.

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1 MR. LEE: Is that outside of the scope
2 of his expert opinions? I -- I don't believe so.
3 He says he's an expert on education, and he says
4 that, you know, that these social media platforms
5 are not having an impact on these school
6 districts. I think it's well within the scope of
7 his opinion, especially since he's written a
8 report.

11 MR. LEE: Yeah, I'm telling you
12 because I don't want this to come up again.

13 MR. PISTILLI: I'm going to continue
14 to make my objections as I deem them appropriate.

15 MR. LEE: Can you read back the
16 question.

17 (Record read.)

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1 stress that some students feel about that. And
2 it's very difficult to say because perhaps you'll
3 be able to take ten AP courses and be fine and Mr.
4 Pistilli will only be able to take two and feel
5 stressed.

6 So I don't really have a firm opinion
7 on that, and I don't -- really haven't seen any
8 information in my review that's conclusive about
9 that.

10 BY MR. LEE:

11 Q. Okay. Would it be accurate to say that
12 some students have issues with the -- too much
13 screen time?

14 A. I can't imagine that there isn't a
15 student somewhere who doesn't use it too much or
16 too little or in the best way or the worst way.
17 Extremes are -- are very difficult in my world to
18 deal with.

19 Q. Okay. Fair enough.

20 So let's go to No. 5 that's on the
21 next page. So this resource is titled, "Ways to
22 Outsmart the Sneaky Science that keeps us on our
23 devices for longer than intended."

24 So do you know what they're referring
25 to when they say "sneaky science"?

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1 A. I don't.

2 Q. Do you think that it has anything to do
3 with how the platform is designed?

4 MR. PISTILLI: Objection; asked and
5 answered.

6 THE WITNESS: I don't know what this
7 is referring to --

8 BY MR. LEE:

9 Q. Okay.

10 A. -- no.

11 Q. Can we go to No. 7, and that's "How to
12 turn off autoplay to reduce screen time."

13 Sir, do you know what autoplay is?

14 A. I have no idea.

15 Q. Okay. Do you know if Harford alleges
16 that autoplay is one of the addictive features of
17 social media platforms?

18 A. In my recollection of all the documents I
19 looked at in Harford, I don't remember seeing the
20 term "autoplay."

21 Q. Okay.

22 A. I could have, but I don't remember that
23 specifically.

24 Q. Okay. So No. 8, which is just below
25 there, it says, "Five Ways to Save Yourself From

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1 Device Addiction."

2 So -- did I read that correctly?

3 A. Yes.

4 Q. So, Dr. Smith, given that you've referred
5 your Board of Education to some of these
6 resources, and one of these resources refers to
7 "device addiction," is it fair to say by 2019 you
8 had some indication that social media addiction
9 could exist?

10 MR. PISTILLI: Objection; foundation.

11 THE WITNESS: I had certainly seen
12 this memo and signed it. Obviously, as you can
13 imagine, as the superintendent of Montgomery
14 County Public Schools, I did not write the memos,
15 but I had certainly seen it and signed it. And so
16 I saw the -- that phrase, and, you know, I
17 don't -- as I said, it wasn't something that came
18 up very often or rarely ever came up. I don't
19 know that I ever saw anything else about device
20 addiction at that time, but I might have, but it
21 was rare.

22 BY MR. LEE:

23 Q. Okay. But this was, you said, one of
24 your first board meetings after you came to
25 Montgomery County; is that correct?

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1 A. No, I'm sorry, what I said is this was
2 2019. I arrived in Montgomery County in 2016,
3 just when this initiative was coming into the
4 schools. And I went to a kickoff at a middle
5 school. This was three years later, and a new
6 board member was asking about something that a
7 public comment referenced.

8 Q. Okay.

9 A. So this was three years after I arrived
10 there.

11 Q. Okay. Thanks for clarifying that.

12 A. Yeah.

13 Q. So, Dr. Smith, did you read all the
14 articles hyperlinked in this memo prior to sending
15 them to the Board of Education?

16 A. I would say I didn't read any of them,
17 frankly, because that -- that's not even possible.
18 This is a program that we had partnered with,
19 Common Sense Education, and so we were sharing
20 with our board, because we want them to know
21 everything, that these are resources that are
22 available to help students. That's ...

23 Q. So, in some sense, you were relying on
24 the fact that Common Sense Education was your
25 partner in this to put out accurate information?

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1 MR. PISTILLI: Object to the form.

2 THE WITNESS: More specifically, I
3 would have been relying on Dr. Maria Navarro, the
4 chief academic officer, as it says at the end of
5 the memo, refer questions to her.

6 And so she was there before I arrived
7 there as the chief academic officer, so I would
8 assume she was involved in this initiative when it
9 started before the fall of 2016.

10 BY MR. LEE:

11 Q. Okay. And does Dr. Maria Navarro still
12 work at Montgomery County?

13 A. To the best of my -- to the best of my
14 knowledge, Maria Navarro is still the
15 superintendent in Charles County, Maryland, where
16 she has been since 2021 or '22.

17 Prior to that, she was in Montgomery
18 County. Then she was a consultant for a year.
19 And then she went to Charles County. That's my
20 memory.

21 Q. Okay.

22 Counsel, it appears that I have
23 forgotten to print one of these documents. Is it
24 okay if we have it displayed on the screen
25 instead?

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1 MR. PISTILLI: As long as you give the
2 witness the time to, you know, look at it as much
3 as he needs to.

4 MR. LEE: Of course, yeah.

5 BY MR. LEE:

6 Q. So just let me know if you want to look
7 at more of it, and we can -- and our tech can
8 handle that. Okay?

9 A. I will do that.

10 Q. All right.

11 Can we pull up Tab, I guess, GGGG.

12 So Resource 5 in the memorandum we
13 were just looking that was marked as Exhibit 3,
14 that referred to an article about the "sneaky
15 science that keeps us on our devices." And this
16 exhibit, or this document, the title is, "The
17 sneaky science behind your child's tech
18 obsession."

19 Do you see that?

20 A. I do see that.

21 Q. Okay. And you see the date it was
22 published is November 9th, 2018?

23 A. Yes.

24 Q. Okay.

25 So I'd like to make this exhibit, I

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1 believe, 4? Okay. All right. No. 4.

2 (Meta-Smith-4 marked.)

3 MR. LEE: And then, so let's -- can we
4 scroll down to the bottom, all the way to the
5 bottom. Okay. One page up.

6 All right. Can we zoom in on the
7 author bio. It's that part that's in italics.

8 BY MR. LEE:

9 Q. Okay. So "Caroline Knorr is Common Sense
10 Media's parenting editor. This piece first ran at
11 CommonSenseMedia.org."

12 Okay. So that's the same Common Sense
13 Media that Montgomery County Public Schools
14 partnered with for its digital citizenship
15 program?

16 A. Well, actually, specifically we partnered
17 with Common Sense Education, which is, I think, a
18 part or a division of Common Sense Media, so ...

19 Q. Okay. So you partnered with a
20 subdivision of Common Sense Media?

21 A. I think that would be correct, yes.

22 Q. Okay. Can we go back to the top.

23 So if we could zoom in on that first
24 paragraph.

25 "Son" -- I'm going to read a little

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1 bit. "Son won't turn off his video game?
2 Daughter obsessed with 'likes' on Instagram? It
3 may not be entirely their fault. Like the
4 high-octane sugar in a pint of ice cream and the
5 irresistible salt in their favorite snack, the
6 ingredients in social media, video games, apps and
7 other digital products are carefully engineered to
8 keep you coming back for more. While researchers
9 are still trying to discover whether kids (and
10 parents) can be addicted to technology, some
11 computer scientists are revealing their secrets
12 for keeping us hooked."

13 Okay. So this article is from 2018,
14 as we discussed; is that correct?

15 A. Yes, November 9th, 2018.

16 Q. Okay. So already in 2018 there were some
17 folks who were concerned that social media could
18 be addictive based on how computer scientists have
19 engineered products?

20 A. That clearly was being discussed at that
21 point.

22 Q. Okay. But, as the article says, it
23 wasn't understood at that point whether kids could
24 be addicted to technology?

25 A. "While researchers are still trying to

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1 discover whether kids (and parents) can be
2 addicted to technology ..." Yes, that's what it
3 says.

4 Q. Okay. Do you think there's more
5 information on the potentially addictive nature of
6 social media now than there was in 2018?

7 MR. PISTILLI: Objection; scope.

8 THE WITNESS: I -- that wasn't part of
9 what I was asked to look at, and so I don't really
10 have an opinion on that. I think it's
11 inconclusive at this point.

12 BY MR. LEE:

13 Q. Okay. When you say "I think it's
14 inclusive," what is "it"?

15 A. I'm sorry, I think that it is
16 inconclusive in terms of -- of responding to your
17 question.

18 Q. Okay. And so what would be inconclusive
19 would be the research showing that kids can get
20 addicted to social media?

21 A. That is my understanding from what I've
22 seen.

23 Q. Okay. And what is that understanding
24 based on?

25 A. It's my understanding, across the

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1 literature, there is a lot of conflicting
2 information and conflicting research.

3 Q. Okay. Do you think the Surgeon General's
4 publication "Social Media and Youth Mental Health"
5 from 2023 has added to understanding of this
6 topic?

7 A. Actually, I do not think it has added to
8 understanding. It posed some questions, but I
9 don't think it added to the understanding.

10 Q. So I take it you did review this
11 document?

12 A. I did review that document, yes.

13 Q. Okay. Let's see.

14 Okay. Can we go to the third
15 paragraph in this article.

16 So "Behind the apps, games and social
17 media is a whole crew of folks whose job is to
18 make these products feel essential. Many of the
19 techniques they use are ones outlined by experts
20 in human behavior, including Nir Eyal, author of
21 'Hooked: How to Build Habit-Forming Products,'
22 and BJ Fogg of Stanford University's Persuasive
23 Technology Lab. Harris argues that these methods
24 'hijack' our own good judgment. Most teens care
25 deeply about peer validation, for example. So it

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1 makes sense that friends' feedback on social media
2 - both the positive and negative - would tug
3 at you until you satisfy your curiosity. You have
4 a phone in your pocket, so why not check it now?
5 And now. And now?"

6 So did I read all that correctly?

7 A. Yes, that's what I see.

8 Q. Okay. Dr. Smith, do you agree that
9 children and teenagers are more curious than
10 adults?

11 A. I don't think I could say that I agree or
12 disagree with that. I -- once again, the
13 variability among human beings is profound, and so
14 I couldn't judge that.

15 Q. So I guess if one adult is more curious
16 than one child, then that would mean you wouldn't
17 be able to answer yes or no?

18 A. No, what it means is, when we talk about
19 averages, or on average, there is no such thing as
20 the average person. And so it's a difficult thing
21 to -- it's not something that I know enough about
22 or have researched enough, and I haven't seen
23 anything that's added to my understanding of it to
24 form any stronger opinions or beliefs around it.

25 Q. Okay. In your experience, do you think

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1 that teens care more deeply about peer validation
2 than adults?

3 MR. PISTILLI: Objection; scope.

4 THE WITNESS: Once again, that's
5 certainly something that people say. But having
6 spent a good share of my career in schools, I -- I
7 can't attest to that for certain. I don't know.

8 BY MR. LEE:

9 Q. Okay. So based on your experience, teens
10 do not care more deeply about peer validation than
11 adults?

12 MR. PISTILLI: Objection; misstates
13 prior testimony and scope.

14 THE WITNESS: I think what I said is I
15 don't know. I can't attest to it and make any
16 sort of affirmative statement about it.

17 BY MR. LEE:

18 Q. Do you think that teens are more
19 susceptible to peer pressure?

20 MR. PISTILLI: Same objection.

21 THE WITNESS: It's certainly part of
22 the discussion around adolescence. Peer pressure
23 is very strong, depending on how you respond to it
24 as a human being. That's my understanding of it.
25 And so I'm not willing to say on average teenagers

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1 are more susceptible than 20-year-olds or
2 30-year-olds. They might be more susceptible than
3 someone who is 68, which I turned two days ago.
4 So that is what I could say, is -- but maybe not,
5 actually. I don't know.

6 BY MR. LEE:

7 Q. Do you know if social media can be
8 addictive in teens?

9 MR. PISTILLI: Objection; scope.

10 THE WITNESS: Once again, I -- it's
11 not something that I have seen, that I could
12 confirm and affirm that it's what is the case.

13 BY MR. LEE:

14 Q. Dr. Smith, when did your tenure with
15 Montgomery County end?

16 A. In the summer of 2021, I left Montgomery
17 County to move to Maine. My wife had been there
18 for two years with a very sick grandchild. And I
19 only tell you that part because it was very hard
20 to leave my job. I loved my job.

21 Q. And was that during the COVID-19
22 pandemic?

23 A. It was nearing the end of it; although,
24 it went on for -- the remnants of it went on for
25 another six, eight months in some places. Once

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1 again, very complex situation when you look at the
2 COVID pandemic impact on schools.

3 Q. Okay. So when did Montgomery County
4 schools reopen for in-person learning?

5 A. We returned the first students to school
6 in February of 2021. We had everyone back in by
7 April 1st of 2021 who chose to return. And then
8 we were prepared, when I left in the summer of
9 '21, for all students to return in the fall
10 of -- of '21.

11 Q. Okay. So of the students that chose to
12 return, do you recall about how many that was or
13 what the proportion was?

14 A. In that spring of '21, I believe it was
15 about 70 percent chose to return and 30 percent
16 stayed online. And then in the fall it was in the
17 mid to upper 90s returned to school after I left.

18 One of the things I was very clear
19 about is that I wanted everything ready and
20 well-prepared for kids to go back to school. So
21 that's why I remember that so clearly.

22 Q. Okay. So is it accurate to say that your
23 experience with partial in-person learning, the
24 voluntary in-person during the pandemic, was
25 limited to the first half of 2021?

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1 A. That experience was from March 16th,
2 2020, until June of 2021, we had kids online.

3 Q. Okay. And you said that it was not until
4 the fall of 2021 when 90 percent of the students
5 came back to school?

6 MR. PISTILLI: Objection; misstates
7 prior testimony.

8 THE WITNESS: I think it was more than
9 90 percent. It was well over 90 percent came back
10 in the fall of -- of '21.

11 BY MR. LEE:

12 Q. Okay. So is it possible that you may not
13 have observed what it was like in the school with
14 the -- with all the kids after the pandemic?

15 A. Well, actually, by October of '21, I was
16 being recruited to join a variety of projects
17 across the country involving school systems. So
18 while I was not in Montgomery County Public
19 Schools on a regular basis as I had been for the
20 previous five years, I was engaged in schools from
21 that fall going forward.

22 Q. Okay. And which schools are those?

23 A. Well, there were -- I was involved with a
24 project with Arizona State University that
25 involved dozens of schools; I was on Zoom meetings

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1 with superintendents and other individuals; I was
2 involved with some other consulting and project
3 work across the country. So not one particular
4 school.

5 Q. Okay. Do you recall the names of any of
6 those school systems?

7 A. Do I recall the names of any of them?
8 There were lots of them that -- with Arizona
9 State, there were a number of schools in Arizona.
10 I talked to school systems across the country
11 about joining an initiative with teacher teaming,
12 and I went to the meetings on a regular basis when
13 they would talk about Arizona State's initiative,
14 The Next Education Workforce, and hear -- we would
15 hear from teachers; worked with a lot of different
16 school systems.

17 Q. Did you ever work with the Tucson Unified
18 School District?

19 A. Tucson. I don't believe so.

20 Mesa was heavily involved in the
21 project. There were charter schools in Phoenix.
22 What's the school? Prescott had a number of
23 meetings and discussions with us. There were a
24 number of different school systems in Arizona.

25 Then I talked to people in school

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1 systems in Kansas and Hawaii and California. I
2 mean, all over the country. There were a lot of
3 school systems involved in the Next Education
4 Workforce for the next two-plus years.

5 Q. Okay. And did social media ever come
6 up any point while you were consulting for those
7 districts?

8 A. I do not remember any conversations
9 about social media when we were talking with teams
10 of teachers about how they worked together to
11 collaborate in their school buildings.

12 Q. Okay. What about in your conversations
13 with superintendents?

14 A. I do not remember any conversation about
15 social media in any of those conversations either.

16 Q. Okay. How about conversations with
17 midlevel administrators?

18 A. I do not. And you're asking about the
19 consulting work, right? Just want --

20 Q. Yeah.

21 A. -- to be clear.

22 Yeah. No, I don't remember during
23 that time.

24 Q. Okay. Dr. Smith, are you familiar with
25 the Montgomery County Public Schools Summer RISE

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1 program?

2 A. I am familiar with that program, yes.

3 Q. Okay. Did you start that program?

4 A. I did not start the program, but we did
5 introduce the Lavinia Group to one school, East
6 Silver Spring Elementary School, while I was
7 there, and then I believe they started the Summer
8 RISE program after I left.

9 Q. Okay.

10 A. I'm sure they did, because we only had
11 East Silver Spring involved when I was there.

12 Q. So has it expanded since, or is that ...

13 A. I do not know. It's my recollection that
14 they left Montgomery County in the '22-'23, school
15 year maybe, or sometime after I left. And then, I
16 don't know if they've returned or not.

17 Q. Okay. Is this program for high school
18 seniors and juniors?

19 A. The Summer RISE program?

20 Q. Yeah.

21 A. No. To my knowledge, it's for
22 elementary, middle, and early high school students
23 in some cases. I know they did a lot of work in
24 and around algebra.

25 Q. Okay.

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1 I'd like to pull up a video, which
2 would be Tab TTT. So we don't have to press Play
3 yet.

4 But, so, Dr. Smith, this is video I
5 pulled off of Montgomery County Public School
6 YouTube. It was published on September 17th,
7 2024. That would have been about four -- or
8 three years after you were superintendent,
9 correct?

10 A. Yes.

11 Q. Okay. And it would have been after the
12 pandemic, correct?

13 A. That would be correct.

14 Q. Okay. So we're going to do some play-
15 pause.

16 But if you could play the first few
17 seconds, and I'll tell you when to pause.

18 (Video played.)

19 MR. LEE: Okay. Pause.

20 BY MR. LEE:

21 Q. All right. So this opening slide says,
22 "Digital Citizenship Week. Presented by MCPS
23 SLMP."

24 Did I read that correctly?

25 A. You did.

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1 Q. What is MCPS SLMP?

2 A. I have no idea what SLMP is. MCPS is
3 Montgomery County Public Schools.

4 Q. Okay. Could SLMP mean School Library
5 Media Project?

6 MR. PISTILLI: Objection; foundation.

7 THE WITNESS: Yeah, potentially. I
8 have no idea what it means.

9 MR. LEE: Yeah, that's fair enough.

10 Okay. Could we continue.

11 (Video played.)

12 MR. LEE: Okay. Pause.

13 BY MR. LEE:

14 Q. Dr. Smith, what does this slide say?

15 A. "Topic: Addictive Design."

16 Q. Okay. Have you seen this video before?

17 A. No, I have not.

18 Q. Okay.

19 Can we skip ahead to 4 minutes and
20 48 seconds.

21 All right. Let's press Play.

22 (Video played.)

23 MR. LEE: Okay. Pause. All right.

24 BY MR. LEE:

25 Q. Okay. So, Dr. Smith, do you recognize

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1 any of those students?

2 A. No, I do not recognize any of those
3 students.

4 Q. Okay. Given that this video was produced
5 by MCPS, can we assume that some of these students
6 are from Montgomery County Public Schools?

7 A. I think that it's a safe assumption.

8 Q. Okay. Do you think these students are
9 describing their experiences accurately?

10 A. I would have no basis to answer that
11 question.

12 Q. Do you think that they're not describing
13 their experience accurately?

14 A. I would have no basis to answer that
15 question. I have no idea about anything about
16 them except what I just saw.

17 Q. Okay. So you have -- okay.

18 Did you hear one of the students say
19 that she is definitely hooked on and dependent on
20 her phone?

21 A. Yes, I heard something to that effect.

22 Q. Okay. Did you hear one of the students
23 say that they sometimes wish that social media
24 didn't have as much of an impact on my life?

25 A. I heard something to that effect, yes.

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1 Q. Okay. Did you hear one of the students
2 say that she would waste a bunch of time checking
3 her phone while working?

4 A. I believe so.

5 Q. Did you hear one of the students say that
6 social media makes them feel less whole?

7 A. Yes, I think I saw that.

8 Q. Okay. And did you hear that one of the
9 students said, There's always something new to
10 attract your attention and that definitely
11 contributes to the amount of time people spend on
12 it?

13 A. I believe I heard that.

14 Q. Okay. So, Dr. Smith, do you have any
15 reason to doubt these students' credibility?

16 MR. PISTILLI: Objection; scope and
17 foundation.

18 THE WITNESS: I have no reason to
19 accept it or reject it, you know --

20 BY MR. LEE:

21 Q. Okay.

22 A. -- statements by a group of students.

23 Q. So is it possible that the effects of
24 social media may have transformed since you were
25 superintendent of MCPS?

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1 MR. PISTILLI: Objection; scope.

2 THE WITNESS: I would have no way to
3 answer that question. I have no -- I've seen
4 nothing that's informed my understanding of that,
5 that it's transformed.

6 BY MR. LEE:

7 Q. Okay. Have you seen anything that would
8 indicate that circumstances have changed in the
9 school districts with regard to social media since
10 you were superintendent?

11 A. Well, what I -- I think the most
12 prevalent thing I've seen is that social media was
13 widely used and widely appreciated during the
14 2019-20 school year as students were isolated from
15 school, from teachers, from peers, and for most of
16 the next year, because even though we returned in
17 the spring of '21, it was still a very chaotic and
18 difficult time. And then, that they've continued,
19 the effects of that experience has continued. And
20 I don't know how social media plays into that, but
21 I did see that it went from being widely
22 appreciated, to the effects of COVID, to the
23 conversation we're having now.

24 Q. Okay. Do you have any opinion about why
25 social media has gone from widely appreciated to

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1 the conversation we're having now?

2 A. Well, it's my understanding in this case
3 that a set of school systems have claimed that
4 they have had to expend more resources and more
5 time, which equates to resources, because of the
6 impact of social media on student mental health.

7 Q. Okay. But you don't have an opinion on
8 whether circumstances have changed in schools with
9 regard to social media?

10 A. Nothing in my review for -- for this
11 report was conclusive about that.

12 Q. Okay. Was anything conclusive the
13 other way, meaning that circumstances have
14 changed -- I'm sorry, that was a bad question.
15 Let me try again.

16 So, okay, well, you know what, why
17 don't we just continuing playing this video.

18 (Video played.)

19 MR. LEE: Okay. Can we pause real
20 quick.

21 BY MR. LEE:

22 Q. So "Common Sense Education," do you see
23 that here?

24 A. I do see that.

25 Q. So that would have been the organization

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1 that Montgomery County partnered with for its
2 digital citizenship program?

3 A. Yes.

4 Q. Okay. And that was while you were
5 superintendent?

6 A. That did occur while I was
7 superintendent.

8 Q. Okay.

9 You could continue playing.

10 (Video played.)

11 MR. LEE: Okay. Pause.

12 All right. You could pull that down.

13 LITIGATION TECH: Counsel, did you
14 want to mark that as Exhibit 5?

15 MR. LEE: Yes, I would like to mark
16 that as Exhibit 5. Thank you very much.

17 (Meta-Smith-5 marked.)

18 MR. LEE: Sometimes I need a little
19 reminder, so I appreciate that.

20 Let's see.

21 BY MR. LEE:

22 Q. Okay. So, Dr. Smith, did you hear in
23 this video that the narrator said that the job of
24 the people who make these devices and apps is to
25 get you to use their devices or tools as a habit

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1 without even thinking about it?

2 A. I did hear them say something to that
3 effect, yes.

4 Q. Okay. And did you hear this video say
5 that this makes these companies successful and
6 makes them more money?

7 A. I believe so. I don't specifically
8 remember "money," but I do -- something to that
9 effect, yes.

10 Q. Okay. And did you hear it define
11 "addictive design" refers to the features or
12 aspects of a device or app that are intended to
13 hook the user into frequent use; did you hear
14 that?

15 A. I believe there was something to that
16 effect in there, yes.

17 Q. Okay. And then the video says that
18 addictive design creates a temporary but definite
19 feeling of pleasure. Did you hear that?

20 A. I think so.

21 Q. And then, that feeling of pleasure makes
22 you want to do it again and again. Did you hear
23 that?

24 A. Something to that effect.

25 Q. Okay. And you saw earlier that this was

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1 branded by Common Sense Education, correct?

2 A. I did see that.

3 Q. Yeah. And you felt that you could rely
4 upon them while you were superintendent to produce
5 accurate information regarding kids and their
6 relationship with media?

7 MR. PISTILLI: Objection; misstates
8 prior testimony, outside the scope.

9 THE WITNESS: I actually said we
10 partnered with them in early two -- early in the
11 school year of 2016-17 right after I had arrived
12 at Montgomery County Public Schools. And we -- we
13 had a kickoff, and they provided content to us
14 about a range of digital safety. I think that's a
15 good summary of what I said before.

16 BY MR. LEE:

17 Q. Okay. And then, so the content they
18 provided, did you feel it was accurate at the
19 time?

20 MR. PISTILLI: Objection; foundation.

21 THE WITNESS: And I -- I wouldn't have
22 any basis for that because I didn't closely review
23 it or teach it or administer a school where it was
24 being used. It was brought in. But generally I
25 had a positive view of the work they had done so

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1 far when I arrived in 2016 in Montgomery County
2 Public Schools.

3 BY MR. LEE:

4 Q. Okay. Did you often make partnerships
5 with organizations where you did not read the
6 materials?

7 A. That is not the way school systems work.

8 Q. Okay.

9 A. I didn't read all of the curriculum that
10 we taught. If I -- if something came across my
11 desk in a memo like that to go to the Board, or in
12 other -- in another way, in a meeting, that I was
13 concerned about, then I proactively responded to
14 it. But I think it's not the way a school system
15 works at all, that the superintendent, even a
16 small school system, reads all of the material
17 that is used in the school system.

18 Q. Okay. Fair enough.

19 So, but that memo did come across your
20 desk, and that memo included resources from Common
21 Sense Education, including reference to social
22 media addiction; is that correct?

23 A. Yes. No. 8 says "Device Addiction."

24 Q. Okay. Dr. Smith, in your work as a
25 superintendent, you know, and at the state, did

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1 you gain a general understanding of how addiction
2 is caused by neurochemical reactions in the brain?

3 A. I would say I have a very general
4 understanding of that as a layperson. Wasn't part
5 of my official responsibilities or my background
6 and experience, specific to addiction.

7 Q. Okay. And do you understand that
8 children whose brains are still developing are
9 uniquely susceptible to addiction?

10 MR. PISTILLI: Objection; outside the
11 scope.

12 THE WITNESS: Once again, I certainly
13 have heard that and read it. I don't know to what
14 degree that I understand the validity of it, the
15 scope of it, any of those things.

16 BY MR. LEE:

17 Q. Are children more likely to be addicted
18 to nicotine than adults?

19 MR. PISTILLI: Objection; outside the
20 scope.

21 THE WITNESS: Once again, it was not
22 part of what I was asked to look at and it's not
23 part of something I've been thinking about.

24 BY MR. LEE:

25 Q. Have you reviewed plaintiffs' expert

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1 opinions that show that social media activates the
2 same neural pathways as addictive drugs?

3 A. I did read some of the plaintiffs' expert
4 opinions that referenced that, yes.

5 Q. Okay. And I'm -- after reading those,
6 did it change your opinion in the case?

7 A. Well --

8 MR. PISTILLI: Objection; outside the
9 scope.

10 THE WITNESS: Sorry.

11 MR. LEE: How was -- yeah, okay, one
12 second.

13 So I'm asking him whether something
14 that he admitted that he just reviewed would
15 change his opinion. That is definitely within the
16 scope, and we will continue to do this. I would
17 not like to spend my record time doing this, but
18 we will.

19 Can you read back my question.

20 (Record read.)

21 THE WITNESS: I also read the defense
22 experts, and some of them disagreed with that. So
23 I was left with uncertainty about what the case
24 is, what the situation is with all of that.

25 //

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1 BY MR. LEE:

2 Q. Did any expert say that -- or dis- -- I'm
3 sorry, let me start over.4 Did any expert disagree with the
5 premise that children are more susceptible to
6 addiction than adults?

7 A. I do not specifically remember that.

8 Q. Is -- did -- so would it be accurate to
9 say that if children were more likely to be
10 addicted to behaviors or substances, that would
11 not have been a part of your opinion?12 A. I'm sorry, I don't understand the
13 question.

14 MR. PISTILLI: Object to the form.

15 THE WITNESS: I'm sorry.

16 MR. LEE: Yeah, I would object to that
17 one too.

18 BY MR. LEE:

19 Q. Now -- okay. So -- well, why don't we
20 just move on.21 So, Dr. Smith, you understand you're
22 retained by counsel for Defendant Social Media
23 Companies, not the attorneys representing
24 Plaintiffs School Districts?

25 A. Well, actually, I can't speak deeply

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1 about that. What I know is that I was asked by
2 Covington to talk with him about this case, and
3 then I signed a letter of agreement with him.

4 Q. Okay. And who does Covington work for?

5 A. They work for the social media companies
6 that you are referencing, some of them at least.

7 Q. Okay. So you work for Covington, and
8 Covington works for the social media companies.

9 Do you understand that?

10 MR. PISTILLI: Object to the form;
11 misstates prior testimony.

12 THE WITNESS: I do understand there is
13 a relationship among all of that, yes.

14 BY MR. LEE:

15 Q. A relationship in which you were hired by
16 Covington, and Covington was hired by the social
17 media companies?

18 A. I do understand that.

19 Q. Okay. Great.

20 Dr. Smith, do you know the
21 superintendent of Harford County Public Schools,
22 Dr. Bulson, either personally or professionally?

23 A. I know him professionally.

24 Q. Okay. Can you describe the -- your
25 professional relationship with him?

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1 A. Dr. Bulson arrived in Harford County,
2 to my recollection, while I was superintendent in
3 Montgomery County. Maryland is a relatively small
4 number of countywide school systems, plus
5 Baltimore City, which is not part of any county,
6 and so the 24 superintendents in Maryland meet
7 regularly, unlike many other states.

8 And so Dr. Bulson would be in meetings
9 from when he arrived, I don't know when that was,
10 '17, '18, because I did know his predecessors
11 during my longer tenure as a superintendent, and
12 we would be in meetings together. And then when
13 COVID hit, we met on a very regular basis, as
14 superintendents, on Zoom. And then those meetings
15 ended for me when I left in the summer of '21.

16 Q. Okay. Are you aware that Dr. Bulson was
17 appointed by Maryland governor Wes Moore to serve
18 on the Professional Standards and Teacher
19 Education Board?

20 A. I was not aware of that. I --

21 Q. Do you --

22 A. -- did not know that.

23 Q. Is that a prestigious appointment?

24 A. Well, I don't know. I served on
25 that board myself, so. It's one of the many

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1 responsibilities that a superintendent can have in
2 the state, and it's -- it's -- you know, it has
3 some weighty decisions to make.

4 Q. Okay. So are you aware that Dr. Bulson
5 was named the Maryland "Superintendent of the
6 Year" by the Public School Superintendents
7 Association of Maryland on November 2023?

8 A. I was not aware of that.

9 Q. Okay. And you won this award ten years
10 earlier, in 2019, while you were superintendent of
11 Calvert County; is that correct?

12 A. That is accurate.

13 Q. Okay. And are you aware that Dr. Bulson
14 is currently serving a three-year term as an
15 elected member of the executive committee of AASA,
16 the school superintendents association?

17 A. I -- yeah, I don't recall ever knowing
18 that.

19 Q. Okay. And has Dr. Bulson been a member
20 of the AASA governing board since 2022?

21 A. Not aware of that.

22 Q. Okay. Were you a member of the AASA
23 governing board?

24 A. I was a member of the AASA governing
25 board back in the teens sometime.

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1 Q. Okay. Were you ever on the executive
2 committee?

3 A. No, I was never on the executive
4 committee of AASA.

5 Q. Do you think that AASA promotes
6 ineffective members to serve on the executive
7 committee or governing board?

8 MR. PISTILLI: Object to the form.

9 THE WITNESS: Let's say I have a lot
10 of thoughts about the variability among the people
11 who are promoted to the governing board, the
12 governing committee -- the governing board and the
13 executive committee.

14 BY MR. LEE:

15 Q. Okay. Do you have any thoughts on
16 Dr. Bulson?

17 A. No. Generally I worked with him as
18 needed and when necessary as part of a collective
19 of 24 people.

20 Q. Okay. Is it your opinion that Dr. Bulson
21 has been ineffective as a leader of Harford County
22 public schools?

23 A. Specifically, I would have no way to
24 respond to that. So I can't imagine that I could
25 come up with any sort of specific information

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1 about that.

2 Q. Okay. Do you think Dr. Bulson has not
3 been truthful by filing this lawsuit?

4 A. I would have no way to know that, in
5 terms of thinking about what he knows,
6 understands. I just can't know those sorts of
7 things about what he thinks.

8 Q. So if you don't know something, is it not
9 a part of your opinion?

10 A. I'm sorry, I don't understand the
11 question.

12 Q. Okay. So your opinion is based on what
13 you know, your personal knowledge. So if your
14 personal knowledge does not include whether
15 Dr. Bulson has been ineffective, would it be
16 accurate to say that it's not a part of your
17 opinion --

18 MR. PISTILLI: Object to the form.

19 BY MR. LEE:

20 Q. -- in this case?

21 A. Well, ineffective, once again, is a very
22 complex idea. There is a whole range of things.
23 So you can be highly effective in one area,
24 ineffective in another area, meets standard in
25 another area. So when we talk about those

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1 questions, it just, those are not -- while they're
2 not hypotheticals, they're very abstract, and so I
3 hesitate to give a really strong, affirmative
4 answer to something like that.

5 Q. Okay.

6 Can we pull up Tab A. That's the
7 report. I guess that would be Exhibit 1. Or is
8 it 2?

9 LITIGATION TECHNICIAN: 2.

10 MR. LEE: Exhibit 2. Thank you.

11 And then let's go to Page 68,
12 Paragraph -- or, Page 61, Paragraph 210.

13 THE WITNESS: 61. Paragraph 210.

14 BY MR. LEE:

15 Q. Okay. So did you locate it? It's also,
16 on the screen --

17 A. Yes --

18 Q. -- it's available.

19 A. -- I have it.

20 Q. Okay. So here you wrote, "To conclude, I
21 have not seen evidence in the Harford County
22 documents that social media has been the cause of
23 the system spending significantly more money. The
24 places where the system has asserted it has been
25 spending money as a result of social media (e.g.

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1 adding staff to support student mental health)
2 appeared to have not originally been linked in any
3 way to social media and were only linked after
4 this lawsuit was filed."

5 Did you write that?

6 A. I did write that.

7 Q. Okay. So do you think that Dr. Bulson
8 was not being truthful when he filed this lawsuit?

9 A. I can't speak to being truthful. What I
10 can speak to is that there is a way of doing
11 business in school systems, a very clear way. And
12 the methodology of this report was to look at the
13 way of doing business. And even though, as I
14 indicated in the report, there is vast variability
15 in many things in school systems across the
16 country, this way of doing business is standard.
17 That's why I was able to go from Washington state
18 as a principal to Maryland as a principal and be
19 successful. It's why I understood when the -- my
20 boss would say, Well, there's a board policy about
21 that when I arrived in Maryland, I wasn't
22 confused. Why I would understand when they said,
23 You have to come to the superintendent's office
24 and present your school budget requests, I wasn't
25 confused.

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1 So there's a way of doing business
2 around the administration of school systems and
3 school buildings. And I'm sorry this is a long
4 answer, but it's -- it goes very much to what I
5 wrote here. When you look at that way of doing
6 business -- policies, procedures, planning, public
7 comment, like our friend in the earlier Common
8 Sense conversation, from the community, from
9 activists, from politicians, from anyone, parents
10 who are concerned or worried about something --
11 then you see that as a through-line in the record
12 of a school system.

13 And when I reviewed the documents for
14 Harford County Public Schools, I did not see the
15 through-line of the impact of social media on
16 student mental health costing Harford County
17 specifically a lot of resources or -- or money.

18 Q. Okay. So what would it take for you to
19 be able to make that link, in your mind, in your
20 way of doing business?

21 A. Well, first of all, it's not my way of
22 doing business. It's the way the business is
23 done. And I don't mean to be disrespectful at
24 all, but that's just -- it's the way I did my
25 business and it's the way all of my colleagues

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1 that I've ever known do their business, and so I
2 think that's important for me to say.

3 What I would want to -- what I would
4 expect to see, not what I'd want, what I would
5 expect to see would be lengthy discussions about
6 large amounts of money. While the budget line
7 might not say the words "social media" or it might
8 not say "digital costs" or any of those things,
9 there should be a through-line in terms of what's
10 discussed at board meetings, what's discussed at
11 administrative meetings, public presentations,
12 newsletters, comments from the public, that you
13 see all of those things.

14 And so I went into this project
15 looking, first of all, at that framework, and then
16 looking, as I said earlier, first of all, at
17 Baltimore City extensively, and then I was asked
18 to switch gears and look at Harford County
19 extensively. And that's what I did.

20 Q. Okay. So are surveys and reports, is
21 that one of the kind of categories of things that
22 would make the through-line from social media to
23 spending?

24 A. That certainly could be part of what you
25 see, yes.

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1 Q. Okay. And in your report, you were --
2 you know, you pointed out that there were not
3 surveys and reports conducted by Harford
4 specifically about social media?

5 A. I don't know what specifically you're
6 talking about in the report. I'd have to see --

7 Q. Okay.

8 A. -- that.

9 MR. LEE: Can we go to his report --
10 actually, it's on the same page.

11 THE WITNESS: Okay.

12 BY MR. LEE:

13 Q. Paragraph 208.

14 Okay. So "Again, in my experience in
15 school administration, it is not plausible that
16 Harford Public Schools would not have at least
17 some reports or analyses of the effects of social
18 media on its students and schools if social media
19 were having widespread effects on the schools."

20 So you wrote that, correct?

21 A. I did write that, yes.

22 Q. And the meaning of that is that you
23 believe that there should have been surveys and
24 reports?

25 MR. PISTILLI: Objection; misstates

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1 the document and the prior testimony.

2 THE WITNESS: Actually, what that is a
3 response to is Question 53 above. "Do you possess
4 any existing report, survey, analysis, study or
5 other document that provides an overview ... or
6 describes interventions, discipline, or other
7 consequences imposed on students for using social
8 media on school premises?"

9 BY MR. LEE:

10 Q. So --

11 A. So that's what it was a direct response
12 to.

13 Q. So the absence of those reports or
14 analyses is part of your opinion about why there
15 is not a link between social media and the harms
16 alleged?

17 A. That would be one part.

18 Q. Okay. Let's see.

19 Do you think Dr. Bulson has not been
20 truthful about the link between social media and
21 the harms alleged?

22 MR. PISTILLI: Objection; asked and
23 answered.

24 THE WITNESS: Well, as -- as I said
25 before, I can't speak to the veracity of his

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1 statements. What I can say is that I haven't seen
2 evidence in the record of Harford County Public
3 Schools that they have experienced the level of
4 financial or resource impact that the claim
5 involves.

6 BY MR. LEE:

7 Q. Okay. Do you think that Dr. Bulson is
8 responsible for poor school climate?

9 A. I would have no way to judge that.

10 Q. Okay. In your report, you note that
11 Dr. Bulson was called upon to resign from his role
12 as superintendent following an on-campus shooting
13 at a high school.

14 Do you agree that he should have
15 resigned following that shooting?

16 A. Once again, I would no way to judge that.
17 What I would say is that superintendents are often
18 called upon to resign.

19 Q. Have you been called upon to resign?

20 A. I absolutely have been called upon to
21 resign.

22 Q. Why were you called upon to resign?

23 A. I don't actually remember. I'm -- I'm
24 trying to think of a time that it happened, but I
25 know it's happened. You don't forget that.

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1 Q. Okay.

2 Can we bring up Tab CCCC. Okay. So
3 I'd like to mark this as Exhibit 6, I believe.

4 (Meta-Smith-6 marked.)

5 MR. PISTILLI: Do you have copies for
6 myself to look at?

7 MR. LEE: Oh, yes, sorry. One second.

8 BY MR. LEE:

9 Q. So, Dr. Smith, do you recall this
10 petition?

11 A. I don't recall this petition exactly, but
12 I have no doubt that it was out there and that I
13 probably saw it at the time.

14 Q. Okay. And this was signed by 2,000 --
15 over 2,000 people?

16 A. Yes --

17 Q. Do you see that?

18 A. -- I do see that.

19 Q. Okay. Do you recall the incident?

20 A. Without a doubt.

21 Q. Can you describe the incident?

22 A. In March, I believe it was March 16th,
23 2017, a girl went to the restroom. She had a
24 prearranged meeting with a boy. He was in P.E.
25 downstairs from the bathroom where they met.

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1 Another boy joined him. And they were in the
2 bathroom for about 20 minutes, 25 minutes. She
3 was out of class. They were involved in sexual
4 activity in the bathroom.

5 She left the bathroom with the two
6 boys. They went downstairs to the gymnasium. She
7 went back down the hall to the other end of the
8 building to her English class. An assistant was
9 out in the hall searching for her at this point
10 because she had been gone for, like I said, I
11 don't know, 20, 25 minutes, or maybe -- I just
12 don't know. It was about that range. It was in
13 the half hour. It wasn't five minutes. And the
14 assistant saw her, and she became emotional and
15 said she had been raped.

16 Q. Okay. Do you -- did you think you should
17 have resigned after this incident?

18 A. Absolutely not. And, in fact, The
19 Washington Post ended up writing a statement to
20 the community and said, "How many have you
21 apologized to Jack Smith for your words?" You can
22 find it in the record of the The Washington Post.

23 Q. Okay. But there is still 2,000 people
24 that called for your resignation despite this not
25 being your fault?

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1 A. Well, we can't even term it my fault or
2 not my fault, because what was alleged didn't
3 happen and was proven not to happen. And the
4 state's attorney and chief of police had to stand
5 up next to me and say no charges were brought.
6 Ultimately dropped every charge.

7 And the governor of Maryland, the
8 press office of the White House, the people of
9 Montgomery County and across the state, across the
10 nation, and around the world -- you've kind of hit
11 a hot button with me here -- all of their
12 assumptions were wrong. What they did basically
13 is said, because these two boys were from another
14 country, because they weren't documented, that
15 they were automatically guilty of something. And
16 I said, I don't know if they're guilty or not.
17 But what I do know is we live in a country where
18 people are innocent -- they're presumed innocent
19 until found guilty. And that created a firestorm,
20 and yet ultimately every charge was dropped. And
21 whatever happened in that bathroom was consensual.

22 And so these 2,118 people were wrong.
23 All the people that wrote me emails and sent me
24 hate mail and threatened my life were wrong. It
25 was a tough situation, and there was no way to

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1 make it better except to live through it. So, you
2 know, and the principal, to this day I feel
3 terrible about what she had to deal with.

4 Q. Okay.

5 A. And so ...

6 Q. So I gather that you feel that you were
7 unfairly treated by the public about this issue?

8 A. I feel like the students were unfairly
9 treated in the situation and that a lot of people
10 who say they believe in the rule of law in
11 Montgomery County, in the state of Maryland, in
12 the nation don't really believe in it, at least
13 not in this situation. That's how I feel.

14 Q. Do you feel that public school leaders
15 are often unfairly treated by the public?

16 A. I think public school leaders often get
17 criticized, both fairly and unfairly, and you'd
18 have to know the circumstances in every case to
19 know what happened.

20 Q. Okay. Do you think it was unfair to call
21 on Dr. Bulson to resign following a shooting on
22 one of his campuses?

23 A. I don't have any idea. As I told you
24 before, it may have been unfair, it may have been
25 fair. I don't know the circumstances beyond what

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1 I read in that newspaper article.

2 My point was that, in the report, that
3 violence is an ongoing issue in schools that
4 affects school systems, their resources, their
5 students, their adults, that was my point in the
6 report.

7 Q. Okay. Do you know if that shooting had
8 a -- was -- involved social media in any respect
9 in the -- yeah, did it?

10 A. I believe in one of the depositions, one
11 of the people from Harford County said it did not.
12 But I cannot swear to that. You know, I just --
13 that's my recollection of reading that.

14 Q. Okay. Dr. Smith, were you aware that
15 there were school shooting threats made in Harford
16 in the days and weeks after this shooting
17 incident?

18 A. I don't remember seeing that, but it
19 would not surprise me.

20 Q. Do you know how many shooting threats
21 were made?

22 A. I have no idea.

23 Q. And do you know if they were made on
24 social media?

25 A. I have no idea.

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1 Q. Okay.

2 I'd like to pull up Tab EE.

3 Okay. So this is an article by the
4 Baltimore Sun. Are you familiar with that
5 publication?

6 A. I am familiar with the Baltimore Sun,
7 yes.

8 Q. And this was published on October 3rd,
9 2024.

10 A. Do you see that?

11 Q. I do see that.

12 Q. Okay. And then the title of this article
13 is "Sheriff says 33 threats to Harford schools in
14 a month is reaction to fatal Joppa shooting."

15 A. Do you see that?

16 Q. I do see that.

17 Q. Do you understand that to refer to the
18 same shooting that you described in your report?

19 A. That would be my assumption, yes.

20 Q. Okay. So I'm going to read just these
21 first two paragraphs.

22 "Less than a month into the new school
23 year Harford County sheriffs deputies say they
24 have investigated 33 threats made to public
25 schools. It's something police say can be

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1 expected after incidents such as the fatal
2 shooting at Joppatowne High School last month.
3 'When you see the shooting incidents around the
4 country and then, unfortunately, the shooting
5 incident we had, you can expect a reaction and
6 more things to be shared on social media and more
7 concerns,' Harford County sheriff" Jerry "Gahler
8 said in an interview this week.

9 "The majority of the threats made to
10 Harford schools, Gahler said, are posts on social
11 media that are reported by parents, students, and
12 educators. Gahler explained that he and his
13 deputies take all threats seriously and thoroughly
14 investigate each of them."

15 Did I read that correctly?

16 My apologies to Mr. Gahler if that's
17 not how you pronounce his name.

18 A. Yes, I think you did.

19 Q. Okay. Would you consider the 33 threats
20 made on social media following the shooting in
21 Harford County to be an improper use of social
22 media?

23 A. I think any threat anywhere, anytime is
24 improper, without -- without question.

25 Q. Okay. And do you think that addressing

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1 these 33 threats cost any time from administrators
2 and teachers?

3 A. I would need more information about that
4 in terms of where they came from, because if they
5 were from outside of Harford County, outside of
6 Maryland, outside of -- you know, I just don't
7 know what would have been committed in terms of
8 resources to following up on 33 threats. But I
9 think you follow up on threats in newspapers, in
10 emails, in face-to-face conversations. I mean,
11 it's a part of the work since I became a principal
12 in 1986, an assistant principal.

13 MR. LEE: Can we mark this as
14 Exhibit 7, before I forget.

15 (Meta-Smith-7 marked.)

16 BY MR. LEE:

17 Q. And then, can you recall a time when you
18 were superintendent where you had 33 threats made
19 in less than a month into the new school year?

20 A. Can I recall a time when I had 33 threats
21 made in a month in the beginning of a school year?

22 Q. Yeah, let's -- okay. So have you ever
23 received -- or, in your experience as
24 superintendent, have you ever received 33 school
25 shooting threats within one month?

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1 MR. PISTILLI: Objection; foundation.

2 THE WITNESS: Not to my recollection;
3 although, it's hard to say. I -- there were a
4 mass number of threats around this other
5 circumstance we were talking about at Rockville
6 High School. Actually received a tremendous
7 number of threats when we were working to open
8 schools in July of 2020, many of them from my own
9 employees.

10 BY MR. LEE:

11 Q. Do you think -- well, were they school
12 shooting threats?

13 A. No, but --

14 Q. Okay.

15 A. -- just threats.

16 Q. We're talking about school shooting
17 threats.

18 MR. PISTILLI: Objection; foundation.

19 BY MR. LEE:

20 Q. There are 33 school shooting threats in
21 one month, according to this article; is that
22 correct?

23 MR. PISTILLI: Objection; foundation.

24 THE WITNESS: Yes, "... investigated
25 33 threats ..."

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1 BY MR. LEE:

2 Q. Okay. Do you think that social media has
3 made it -- made these threats more common?4 A. I'm thinking about that. In the '90s, I
5 went through a series for several years of bomb
6 threats in the late '90s, early 2000s. So I -- I
7 don't know. But social media is certainly
8 pervasive, so I wouldn't disagree with that.9 Q. So, in being pervasive, it's more likely
10 to spread?11 A. Well, I think it spreads differently,
12 and, you know, in the use of it. It's a lot of
13 content, though. That's what -- that's what's
14 changed in the world. I'm really trying to answer
15 your question from my own way of thinking. That
16 what's changed in the world is the profound amount
17 of content that is available since the
18 introduction of, first, computers and then the
19 Internet. And that's the biggest change I see in
20 public schools is that shift.21 Q. So when you say "content," can you
22 explain that a little bit more for me?23 A. Certainly. The availability of
24 information and the availability of misinformation
25 that's pervasive. Every -- you know, it's just so

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1 available.

2 I -- when I was a kid, I had to go to
3 the Encyclopedia Britannica in a library, because
4 we didn't have any encyclopedias at home, to find
5 out the -- September 1st, 1939 was the first day
6 of World War II. Now you can find that out in
7 seconds on your computer, your laptop, your phone,
8 your smartboard. It's just, it's pervasive.
9 Content is everywhere. And so that's why it's
10 hard to judge those sorts of things.

11 Q. So would you agree that social media has
12 increased the availability and pervasiveness of
13 misinformation?

14 A. I would agree that it's both,
15 misinformation and information; content.

16 Q. Okay. Does "content" mean -- can you
17 define that word for me?

18 A. It's information, factual information,
19 opinions, entertainment. It's whatever people
20 create to share with other people, just like we
21 always have since the beginning of time, and now
22 it's available in the digital world, and that
23 makes it more available if you have access to that
24 digital world.

25 Q. Okay. And when students are on social

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1 media, they have near constant access to that
2 information; is that correct?

3 A. I think when anyone is on any sort of
4 digital device they have information to the whole
5 range of digital information. It's all out there.

6 Q. Okay. Positive and negative information?

7 A. Yes.

8 Q. Okay. Dr. Smith, do you know if 2024 was
9 the first time that shooting threats trended on
10 social media in Harford County?

11 A. I don't know the answer, but I can't
12 imagine it was the first time at a ...

13 Q. Okay. In your long experience as a
14 superintendent, do you feel that these kinds of
15 incidents have become more common?

16 A. Have they become more common? My gut is
17 that there's more information out there in all of
18 these realms of the digital world, and so it's --
19 but there's no way I can quantify it, but it
20 seems, that's my perception, that it's more common
21 across the entire digital world.

22 Q. Okay. So as a superintendent, how did
23 you sort out which threats, school shooting
24 threats, were real and which were not?

25 A. We would use a process of threat

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1 assessment where we'd gather all of the available
2 information, and then look at it, review it,
3 respond to it, if possible, as appropriate, and
4 then act accordingly beyond that.

5 MR. PISTILLI: Counsel, I don't know
6 if you're reaching a natural stopping point, but
7 we've been going over an hour and a half.

8 MR. LEE: Oh, okay. I'm -- I'm real
9 close to the end --

10 MR. PISTILLI: Sure.

11 MR. LEE: -- of where I'm at. Okay.
12 Thank you.

13 BY MR. LEE:

14 Q. So -- okay. So, and did you conduct this
15 threat assessment on social media threats?

16 A. At times, yes. I didn't actually usually
17 conduct them. It was brought to me in all of my
18 positions: Calvert, the state, and the state
19 didn't -- was a secondary player in it, and then
20 Montgomery.

21 Q. And that threat -- threat assessment
22 takes time?

23 A. It does take time.

24 Q. And it takes time whether it's a real
25 threat or a joke?

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1 A. Well, yes, it depends. As I said
2 earlier, we had a lot of bomb threats in the
3 late '90s, early 2000s, at the school where I
4 was principal in Maryland, and they took time
5 and -- but they might take two minutes and they
6 might take an hour. It just depended on all of
7 the facts around that threat, but it does take
8 some time.

9 Q. Okay.

10 All right. We can stop right there,
11 take a little break.

12 THE VIDEOGRAPHER: The time is 11:09,
13 and we are off the record.

14 (Recess taken.)

15 THE VIDEOGRAPHER: The time is 11:24,
16 and we are back on the record.

17 BY MR. LEE:

18 Q. Okay. So, Dr. Smith, we were talking
19 about a shooting incident at Joppa High School --
20 or Joppatowne High School. Do you recall that?

21 A. I do recall that.

22 Q. Okay. So do you think that the
23 administration responded well to that situation?

24 MR. PISTILLI: Object to the form.

25 THE WITNESS: I would have no way to

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1 determine that without a lot more information and
2 understanding of what happened.

3 BY MR. LEE:

4 Q. Do you consider Harford a particularly
5 violent school district?

6 A. As I reviewed the record, I did find that
7 there is a lot of concern about violence in that.

8 Q. Do you know if it's -- there are more
9 crimes that occur in that district than -- I mean
10 in that school system than other school systems in
11 Maryland?

12 MR. PISTILLI: Object to the form.

13 THE WITNESS: I do not know the answer
14 to that. I just, as it was -- as I reviewed the
15 record, I saw indications that there is a lot of
16 concern in the community about school violence.

17 BY MR. LEE:

18 Q. Okay. So other than the statements in
19 the record regarding violence, do you have a basis
20 for saying that violence was a long-term issue in
21 Harford County?

22 A. I don't know how I would define "long
23 term," and, in my report, there is information
24 where students indicate concern about feeling
25 safe at school; and there was -- there was

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1 indications in the record about concern about
2 school safety. It's a concern across the nation.
3 It's a concern in every school.

4 Q. Okay. Dr. Smith, what are some of the
5 statistics used to measure poverty in schools?

6 A. Typically, it has been the number of
7 students receiving free and reduced meals;
8 although, there was a change in the late 2000s
9 about community eligibility so that you suddenly
10 went from 80 percent of the students to
11 essentially a hundred percent. So it became a
12 little bit messy at that time.

13 And then there are also other factors:
14 the number of students who receive homeless
15 designation, the number of students who have other
16 indicators can be used. But primarily it's free
17 and reduced meals. And I think it's now free
18 meals. I think they've eliminated the "reduced"
19 designation.

20 Q. Now, how about the proportion of students
21 with food stamps and/or -- or, slash, SNAP
22 benefits?

23 A. I think that has been in the community,
24 eligibility, part of that consideration.

25 Q. Okay. And then the proportion of

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1 students in poverty, I presume below the federal
2 poverty line?

3 A. And that's typically, in school
4 experience, that's typically how it's -- the
5 result of that is free and reduced meals.

6 Q. Okay. Is median household income of
7 families used to measure poverty in schools?

8 A. Yes, the poverty line is used. The
9 federal poverty designation is used to receive
10 free meals.

11 Q. Okay. By any of the metrics that we just
12 talked about, do you think Harford is relatively
13 worse off than the national average?

14 A. I don't know at this point what the
15 national average is. My memory is Harford is
16 about a quarter, about in the 20 percent,
17 25 percent range from -- it's in my report, I
18 think, actually, if we look at it. I have to find
19 the page.

20 Q. It's okay.

21 Can you pull up Tab R.

22 MR. PISTILLI: Were you done answering
23 the question?

24 THE WITNESS: Yes.

25 MR. LEE: So this is a web page, so if

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1 we could scroll in. Yep, you got it.

2 BY MR. LEE:

3 Q. So I would -- I can give you a printed
4 copy, but it doesn't look very good printed so
5 hopefully we can just kind of look at this.

6 Do you know if Harford is --

7 MR. PISTILLI: I'd actually, I'd like
8 a printed copy, please.

9 MR. LEE: Oh, sure. It's very small.

10 So this is -- let's mark this as
11 Exhibit 8.

12 (Meta-Smith-8 marked.)

13 BY MR. LEE:

14 Q. And then, so this is -- have you seen
15 this website before?

16 A. Yes, I believe so.

17 Q. Okay. This is the National Center for
18 Education Statistics?

19 A. Um-hmm.

20 Q. Are you familiar with that, I guess,
21 agency?

22 A. I am familiar with the National Center.

23 Q. Okay. And they publish accurate data?

24 A. To the best of my knowledge, they do.

25 Q. Okay.

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1 So can we scroll down a little bit.

2 So -- okay. So you see up here it
3 says the median household income is \$106,417; is
4 that correct?

5 A. I do see that.

6 Q. Do you think that that median household
7 income is above or below the national average?

8 A. I -- I would guess that it's above the
9 average somewhat.

10 Q. Okay.

11 A. I don't believe it's above the Maryland
12 average, however. I'd have to see that to know.

13 Q. That's okay. I'm not trying to make you
14 guess.

15 A. Okay.

16 Q. Let's just scroll all the way to the
17 bottom.

18 A. Okay. That's fine.

19 Q. So scroll up a little bit. Okay. Stop.

20 All right. So do you see "Median
21 household income" in the upper left over here?

22 A. I do see that.

23 Q. Okay. And you see the -- there is a
24 sort -- it's a bar chart, but that -- it also has
25 a dot for some reason. And do you see that the

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1 district appears to be higher than the national
2 average?

3 A. I do see that.

4 Q. Does it appear higher than the state
5 average?

6 A. Slightly.

7 Q. Yeah, slightly.

8 A. Um-hmm.

9 Q. Okay. And then, so to the right of that
10 you see "Families with food stamp/SNAP benefits."

11 You see the district is lower than the
12 state. Do you see that?

13 A. I do see that.

14 Q. And it's lower than the national?

15 A. Yes, I do see that.

16 Q. Okay. So that means that there are
17 relatively less students -- or families with food
18 stamp/SNAP benefits in Harford County; is that
19 correct?

20 A. I'm sorry, could you repeat that
21 question? There are relatively fewer ...

22 Q. Families who -- with food stamp/SNAP
23 benefits in Harford County than the state average
24 and the national average.

25 A. That's what this indicates.

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1 Q. Okay. All right.

2 And then, let's see, and then right
3 below that it says "Families with Income Below the
4 Poverty Level."

5 This one is a little bit harder to
6 read. I'm sure, as you know, the federal poverty
7 line is fairly low, and -- but do you see that the
8 district is lower than both the state and the
9 national average?

10 A. I do see that.

11 Q. Okay. And then, yeah, because I'm a
12 little bit of an educational statistics nerd, to
13 the right, the "Bachelor's Degree or Higher,"
14 which is a common indicator of success for
15 students, you see that the district is slightly
16 higher than the state and higher than national,
17 correct?

18 A. Well, I'm not certain if that's students
19 or if that's --

20 Q. Oh, well, that would be the parents --

21 A. Yeah.

22 Q. -- I presume, yeah.

23 A. Yeah, there are measures --

24 Q. Okay.

25 A. -- of students achieving a bachelor's

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1 degree after high school from a school system, and
2 I wasn't -- that's what I wasn't sure about.

3 Q. Oh, yeah, fair enough. Yeah, I guess I
4 can't be a hundred percent sure about that one
5 either.

6 But so these are common statistics
7 used to measure, you know, you say in your report
8 "poverty," but really kind of socioeconomic status
9 effects on students, which, as you describe in
10 your report, are fairly significant; is that
11 right?

12 MR. PISTILLI: Object to the form.

13 THE WITNESS: So typically in school
14 systems, the word "poverty" and "socio-" -- the
15 words "poverty" and "socioeconomic status" are
16 interchangeable.

17 BY MR. LEE:

18 Q. Okay. So would you describe Harford as a
19 high poverty system?

20 A. High poverty -- relative to some other
21 places in Maryland, no.

22 Q. And relative to the United States?

23 A. Depends on where you're talking about in
24 general, which I don't like to do, as I shared
25 with you before, but no.

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1 Q. Okay. And then, so would you expect the
2 effects of poverty to be higher in a high poverty
3 district or a district like Harford?

4 A. Once again, a very complex question,
5 because the effects of poverty are different than
6 the impact of poverty on individual students, and
7 so that's a difficult question to answer.

8 Q. Okay.

9 All right. So I would like to pull up
10 Tab J -- sorry, JJJJ. These are the responses and
11 objections and accompanying document production
12 that Plaintiffs received.

13 A. Thank you.

14 Q. So in particular --

15 Well, I guess, first of all, can we
16 mark this as Exhibit 9. Is that what we're on?

17 (Meta-Smith-9 marked.)

18 BY MR. LEE:

19 Q. And then -- do you recognize this
20 document, Dr. Smith?

21 A. Yes. I believe I have seen this
22 document, yes.

23 Q. Okay. Did you review this document
24 before it was submitted?

25 A. Yes. The attorneys shared the document

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1 with me, and we did review it.

2 Q. Okay. Can we go to Page 15 of this
3 document.

4 All right. And then, so this is your
5 invoice for this -- or, one of your invoices for
6 this litigation; is that correct?

7 A. I'm looking for the page numbers.

8 Q. Oh, so the page number -- the Bates
9 number is SMITH-MDL-000005.

10 A. Okay. So it's the first one in the
11 packet, I --

12 Q. Yes.

13 A. Yes, okay.

14 Q. So this is January 2025?

15 A. This is.

16 Q. Okay. And then, I see here that your
17 total hours is 22.25 and your hourly rate is 500;
18 is that correct?

19 A. That is correct.

20 Q. And the total for this month is 11,125?

21 A. That would be accurate.

22 Q. Okay. And then, the next one, which is
23 February, I see here that your total hours are 22,
24 and then your hourly rate is \$500. Then you have
25 a mileage, looks like you drove 1262 miles.

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1 What -- where did you drive?

2 A. I drove from Maine to Washington, D.C.,
3 and then I drove back to Maine.

4 Q. Ah, okay. All right.

5 And then -- and then that was the only
6 time that you did that drive, it seems like?

7 A. For this purpose, yes.

8 Q. Yes. For -- for the purpose of billing.
9 We're talking about your gas.

10 A. Now, my personal life, I've done it a
11 number of times.

12 Q. I'm sure you have.

13 A. Yes.

14 Q. All right. And then there is a parking
15 charge for \$19 and copying for 76.64.

16 Is that correct?

17 A. That is correct.

18 Q. Okay. Then the total was 11,979.04; is
19 that correct?

20 A. (Nodding head.)

21 Q. Okay. So to avoid having to go through
22 every single one of these, I, you know, basically
23 did a little bit of addition. Do you think, is it
24 accurate -- do you think 390 hours and .25 is
25 about how many hours you've worked on this

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1 litigation?

2 A. It would seem accurate.

3 Q. Okay. And then your rate has been \$500
4 from January until July of 2025. And then in
5 August of 2025, it was \$700; is that correct?

6 A. Yes, that's accurate.

7 Q. Okay. And then, was that increase tied
8 to any specific reason or ...

9 A. It was tied to shifting from the creation
10 of the report to preparation for a deposition.

11 Q. Okay. So you have a rate that is for the
12 report, and then you have a rate that is for the
13 deposition; does that sound accurate?

14 A. That does sound accurate.

15 Q. And would that rate to prepare for the
16 deposition and -- is that different from the rate
17 for the deposition itself?

18 A. No.

19 Q. Okay. Would that rate be different from
20 work that you may do in this case moving forward?

21 A. No.

22 Q. Okay. So the \$700 rate would cover
23 essentially all pretrial activities; is that
24 accurate?

25 A. If I do any future work, it would all be

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1 the same.

2 Q. Okay. And then, so in terms of other
3 costs, I think we talked about them already in
4 that one month, they add up to 979.02. Does that
5 sound right; that would be for the mileage,
6 parking, copying in February?

7 A. That would be correct.

8 Q. Okay. And then the total I have for all
9 of your billing, that means hours and rates and
10 costs, is -- well, that would be about 2200 and
11 \$1,000. Does that sound about right?

12 MR. PISTILLI: Object to the form.

13 THE WITNESS: I'm sorry, I'm not sure
14 I understand.

15 BY MR. LEE:

16 Q. The total amount of money you've been
17 paid for your work in this litigation is about
18 \$200,000?

19 A. That would sound correct.

20 MR. PISTILLI: Object to the form.

21 BY MR. LEE:

22 Q. Okay. Great.

23 Let's see. Okay. So according to the
24 January invoice, the first date that you billed
25 was for January 9th, 2025. Is that correct?

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1 A. Yes.

2 Q. Is that the date of your retention?

3 A. I -- I don't know. It was about that
4 date. I don't know when I actually agreed.

5 Q. Okay.

6 A. It should have been that date or before
7 that date.

8 Q. So did you have a conversation with a
9 lawyer or law firm about the case before you
10 agreed to do it?

11 A. I had a conversation with John DeBoy
12 about the possibility of doing this work.

13 Q. Okay. Do you mind spelling his last
14 name?

15 A. It's the name on the thing, D-e-B-O-Y.

16 Q. Okay. Oh, DeBoy. Okay. I see it up at
17 the top here.

18 Okay. And then does Mr. DeBoy work
19 for Meta, or does he work for Covington?

20 A. He works for Covington.

21 Q. Okay. Did you know Mr. DeBoy prior to
22 the litigation?

23 A. I did not.

24 Q. Okay. So how did you come to be
25 introduced to Mr. DeBoy?

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1 A. Someone from Covington contacted me and
2 asked if I would have a conversation with them --

3 Q. Okay.

4 A. -- about potential work.

5 Q. Okay. Were you referred by anybody?

6 A. Not to my knowledge.

7 Q. Did Covington reach out to you directly
8 or you in your capacity as an -- as a consultant
9 for Hazard Attea Young?

10 A. This work is aside from Hazard Attea
11 Young. I --

12 Q. Okay.

13 A. -- informed them I was doing other work
14 that was not related to the work they do, and
15 Covington reached out to me directly.

16 Q. Okay. So earlier I believe you said that
17 this was your first time being an expert in a
18 litigation; is that correct?

19 A. Yes. Very strictly speaking. I
20 certainly, during three years at the Maryland
21 State Department of Education, testified in front
22 of the general assembly many, many, many times,
23 which felt very much like a deposition but wasn't.

24 Q. So -- okay. So other than your testimony
25 before the Maryland State Board of Education and

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1 today's deposition, have you testified in any
2 other settings?

3 A. Not as an expert. I have given
4 depositions and testified in court for other
5 reasons.

6 Q. Yeah. Were they reasons tied to your job
7 as a superintendent?

8 A. Or a principal, yes.

9 Q. And they were only in -- these -- this
10 testimony was only given because of your job, not
11 personally?

12 A. That is correct.

13 Q. Okay. Great.

14 So I notice that there is not a
15 September invoice in this production. I know
16 the month is not done. So are -- are we
17 going -- should we expect to get a September
18 invoice at some point?

19 A. At the end of September, I would submit
20 an invoice.

21 Q. Okay.

22 So I'm just going to note for the
23 record that we're going to seek those invoices
24 and --

25 MR. PISTILLI: Yeah, you can feel free

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1 to follow up in writing. Thanks.

2 MR. LEE: Okay, yeah, I'm happy to do
3 that.

4 BY MR. LEE:

5 Q. All right. And then, so how did you
6 prepare for today's deposition, Dr. Smith?

7 A. I met with attorneys from Covington via
8 Zoom and then yesterday; I reread materials and
9 looked at those things; I spent a lot of time
10 thinking about what I had written, why I had
11 written it, how I had written it, and the
12 conclusions that I had come to.

13 Q. Okay. How long do you think you spent
14 preparing for the deposition?

15 A. I'm not sure what you're asking me. Are
16 you asking me like --

17 Q. Like the number of hours you spent of
18 prep.

19 A. Actual hours engaged with either reading
20 or talking with the attorneys --

21 Q. Yeah, well, let's start with the -- the
22 reading. How long do you think you spent reading?

23 A. Oh, probably eight to ten hours I've done
24 this month.

25 Q. Okay. And then -- and then how long did

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1 you spend meeting with counsel? To be clear, I
2 don't want you to reveal what you discussed with
3 counsel, just how long.

4 A. In the month of September, maybe six or
5 eight.

6 Q. Okay. Do you have any staff or
7 assistance to help you write your report?

8 A. I do not.

9 Q. Okay. And you wrote the report yourself
10 then, every word?

11 A. I wrote entirely myself. There are a
12 couple of things the attorneys told me they would
13 need, like the last couple of statements, things
14 like that, where I signed my name, where I said I
15 have the right to go back and amend the report,
16 you know.

17 Q. And by "statements," you mean kind of the
18 verification that what you said was true and --

19 A. Right.

20 Q. -- I know there's a cor- --

21 A. The legal things.

22 Q. Yeah. Yeah, that, that stuff.

23 A. Yeah.

24 Q. Okay. So which documents did you review
25 to prepare for your deposition?

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1 A. I reread my own report; I looked again at
2 the depositions; a lot of the stuff that came,
3 some of it even came after the report was
4 submitted, like the, I believe the Osborne and
5 Hoover rebuttals came at the end of July, and so I
6 looked those in -- in August and looked at things
7 like that in September.

8 Q. Okay. And then, did the Osborne rebuttal
9 or Hoover rebuttal change your opinions in any
10 respect?

11 A. Actually, if anything, they strengthened
12 my opinion.

13 Q. Okay. So is -- are all the opinions that
14 are contained in your report, are those -- do you
15 intend to offer any new ones?

16 A. Well, I don't know what the future holds,
17 but at this time I haven't seen anything to change
18 my understanding or my professional opinion.

19 Q. Okay. So -- so in terms of documents,
20 you only reviewed the depositions and the rebuttal
21 reports; is that an accurate --

22 MR. PISTILLI: Objection; misstates
23 prior testimony.

24 THE WITNESS: I also looked at various
25 reports.

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1 BY MR. LEE:

2 Q. Expert reports or ...

3 A. No. Just things that I had either
4 originally used or had come up since then.

5 Q. Okay. Anything that's not on your
6 Materials Considered List?

7 A. I do not believe so, no.

8 Q. Okay. Did you take any notes on those
9 documents when you reviewed them?

10 A. No. I -- I typically don't take notes,
11 and I didn't take any in this case.

12 Q. Okay. Did you look anything up on the
13 Internet?

14 A. I looked a great deal up on the Internet.

15 Q. Oh, yeah? What did you lookup?

16 A. Much of what's on my Works Considered
17 came off the Internet.

18 Q. Okay. But nothing outside of your
19 Materials Considered List?

20 A. No.

21 Q. Okay. So prior to this litigation, have
22 you ever done any research on social media?

23 A. No.

24 Q. Have you ever written any publications on
25 social media?

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1 A. Nothing past maybe a passing reference to
2 something, but nothing ever on social media in any
3 meaningful way.

4 Q. Okay. And then, have you ever used
5 social media?

6 A. Very, very rarely and very little.

7 Q. Okay. So have you used LinkedIn?

8 A. Yes.

9 Q. Okay. Have you used Facebook?

10 A. No.

11 Q. Have you used Instagram?

12 A. Very limited way --

13 Q. Okay.

14 A. -- occasionally.

15 Q. What is your Instagram handle?

16 A. It's a personal handle that is only for
17 my friends and family. I'm not really comfortable
18 putting it in this record where it will become
19 public knowledge.

20 Q. Well, there's a confidentiality order,
21 but that's fine.

22 Have you ever used Snapchat?

23 A. No.

24 0. What about TikTok?

25 A. No.

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1 Q. Okay. Do you consider yourself an expert
2 in psychology or psychiatry?

3 A. I do not.

4 Q. Okay. Do you consider yourself an expert
5 in mental health?

6 A. I do not consider myself an expert in
7 mental health, but I do consider myself a person
8 who has worked extensively with large
9 organizations and many, many staff members,
10 organi- -- you know, and policies and procedures
11 and budgets around the staffing that provides
12 services for the well-being and mental health of
13 students.

14 Q. Okay. Do you consider yourself an expert
15 on social media platform design?

16 A. I do not.

17 Q. Do you consider yourself an expert on
18 addiction?

19 A. No, I do not.

20 Q. Okay. All right. Dr. Smith, what is the
21 mission of education?

22 A. Well, I think the core mission -- there
23 is multiple missions. The core mission, as I
24 indicated in my report, is student learning and
25 the preparation of students to walk off the

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1 stage at graduation with a diploma, which doesn't
2 always happen, but it should happen, and then that
3 diploma should provide options and choices.

4 "Options" means I can look at an array
5 of possibilities in my life. "Choices" mean that
6 I actually can legitimately choose one of them
7 because I'm well prepared to do that.

8 Q. Okay. Do you think school safety and
9 security is important to meet that core mission?

10 A. School safety and security are an
11 undergirding part of the -- of the mission. They
12 make the mission more possible when we pay
13 attention to the security and safety of students
14 and the adults who work in schools with them.

15 Q. Okay. And then do you think that --
16 well, that's okay.

17 Dr. Smith, do you know if Harford has
18 a Mission Statement?

19 A. I'm sure I came across it during my
20 review of the materials, but I do not remember it.
21 I predict they do; that's what I would say.

22 Q. Did Montgomery County have a Mission
23 Statement?

24 A. Yes.

25 Q. Did that Mission Statement include safety

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1 and security?

2 A. I cannot recall.

3 Q. Do you know if Harford's Mission
4 Statement includes safety and security?

5 A. I do not know.

6 Q. Okay.

7 Okay. I'd like to pull up Tab MMM.

8 So this is Exhibit No. 10.

9 (Meta-Smith-10 marked.)

10 BY MR. LEE:

11 Q. Do you think you've seen this document
12 before, Dr. Smith?

13 A. I do believe I have seen this document.

14 Q. Okay. So -- okay. And in that top left
15 paragraph, it states "Mission," right? And then
16 it says, "Each student will attain academic and
17 personal success in a safe and caring environment
18 that honors the diversity of our students and
19 staff."

20 Did I read that correctly?

21 A. Yes, I believe so.

22 Q. Okay. And this means a part of Harford's
23 mission is to install a safe and caring
24 environment; is that correct?

25 A. Yes.

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1 Q. Do you think that part of maintaining
2 that safe and caring environment is protecting
3 student mental health?

4 MR. PISTILLI: Objection; scope.

5 THE WITNESS: I think there is a
6 limited role in school systems in student mental
7 health.

8 BY MR. LEE:

9 Q. What about social emotional health?

10 A. Well, when we look at mental health and
11 social-emotional health, I think the easiest way
12 for me to consider it is as physical, social, and
13 psychological well-being, and the school has a
14 limited role in that circumstance.

15 Q. Why do you see that role as limited?

16 A. Because the core mission is student
17 learning and a first good step into the adult
18 world after high school, and so everything beyond
19 that has to be more limited.

20 Q. Do you think that student mental health
21 is essential to learning?

22 MR. PISTILLI: Objection; scope.

23 THE WITNESS: That's an interesting
24 question. I was not asked to consider that per
25 se; although, it's part of what this report is

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1 about. In my personal opinion, if I look at the
2 history of U.S. education, it's very hard to
3 understand how this all fits together.

4 I mean, between 1860 and the beginning
5 of World War I in 1914, this country doubled in --
6 or, I think it increased by 50 percent. Went from
7 60 million people to 90 million, I believe. You
8 could check my facts. Those people came and went
9 to school, and then they lived through World War
10 I. They lived through the Great Depression. They
11 lived through World War II. They lived through
12 the Civil Rights Movement and the upheaval of the
13 '60s. They lived through the nuclear threat of
14 the Cold War.

15 I often question -- you asked me as a
16 professional; I'm telling you personally what I
17 think -- Can we be responsible for every child's
18 mental health? I don't believe so. Can we pay
19 attention to it as part of the overall culture and
20 climate of a school? Yes, to the degree that we
21 can and should. And then we go forward.

22 But ultimately when I send a kid out
23 of school -- and I'm being a little preachy here,
24 and I'm sorry, but you hit on something I think
25 about and I have thought about for almost

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1 50 years -- there is nothing, I think, more
2 damaging to a person than to walk out into the
3 world and realize that he or she has no skills to
4 get a decent job and a good opportunity in this
5 society. That's what deeply concerns me.

6 BY MR. LEE:

7 Q. Do you think that student mental health
8 can limit the opportunities that are presented for
9 graduating students?

10 MR. PISTILLI: Objection; scope.

11 THE WITNESS: Once again, not what I
12 was asked to specifically look at, and at the same
13 time, I think anyone's mental health can limit or
14 expand opportunities depending on the specific
15 circumstance, the person.

16 BY MR. LEE:

17 Q. Okay. Dr. Smith, do you agree that
18 Harford's Mission Statement includes safety as
19 part of its mission?

20 MR. PISTILLI: Objection; asked and
21 answered.

22 THE WITNESS: I -- as I said, it's
23 clearly their -- how they define that. I don't
24 know.

25 //

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1 BY MR. LEE:

2 Q. Okay. So in this document, you can see
3 there is a list of goals on the right side. And I
4 want to zoom in on Goal No. 4. Goal No. 4 says,
5 "Provide safe, secure, and healthy learning
6 environments that are conducive to effective
7 teaching and learning, creativity and innovation."

8 Did I read that correctly?

9 A. Yes, that's what I see here.

10 Q. Okay. So there is only four goals on
11 here. Do -- do you see that?

12 A. I do see that.

13 Q. And so the fact that -- or -- and it's
14 clear that one of the goals is to provide safe,
15 secure, and healthy learning environments; is that
16 correct?

17 A. That's what I see.

18 Q. Is protecting students' mental health,
19 would that contribute to that goal?

20 A. I think mental health would be included
21 overall in that goal.

22 Q. Okay. So do you agree based on, you
23 know, this goal in Harford's mission that Harford
24 should seek to protect students' mental health?

25 A. I think to the degree that it's

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1 appropriate for a school to be involved in that
2 conversation, they should. And that really goes
3 to the -- first and foremost, it's going to go to
4 the culture and climate. While school violence is
5 a terrible thing, and I would never dismiss it,
6 the daily experience of students in school is much
7 more pervasive than school violence.

8 Q. Given the pervasiveness of social media,
9 do you think students' daily experience in school
10 is informed by social media?

11 MR. PISTILLI: Objection; scope.

12 THE WITNESS: Informed by social
13 media? I don't know that I can answer that. I
14 think their interactions with adults in school
15 buildings are the most powerful part of that.

16 BY MR. LEE:

17 Q. Do you think that students' daily
18 experience in school is affected by social media
19 given its pervasiveness?

20 MR. PISTILLI: Objection; scope.

21 THE WITNESS: Seems reasonable that it
22 would have an impact on -- on individual, some
23 students, depending on the individual.

24 BY MR. LEE:

25 Q. Okay. You created a program as

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1 superintendent of Montgomery County Public Schools
2 called "Be Well 365" to promote social and
3 emotional health; is that correct?

4 A. Yes.

5 Q. You can pull that down.

6 Okay. So why did you do that?

7 A. One of the considerations, as we were
8 looking at our schools, was the variability in
9 schools, and I just referenced culture and
10 climate. And we were concerned that, while a
11 school might have a tremendous amount of social
12 activity like peer helpers and best buddies, they
13 weren't doing anything necessarily to support
14 physical well-being and -- outside of the school
15 day especially, and, you know -- or they might
16 have a program to support physical well-being, but
17 they weren't doing anything to have a systematic
18 way to respond to students who were having
19 psychological challenges; and that especially
20 involved part -- partnering with mental health
21 agencies and the county health department. While
22 it might be a small number of students, it's a --
23 critically important for that student who needs
24 it.

25 And so what we did is an assessment of

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1 the entire school system to see what the
2 circumstance was across 208 schools, and then set
3 about to create a lot of information for families
4 and community members and students about these
5 areas of support we could provide to students or
6 that could be provided in the community apart from
7 us.

8 Q. Okay. So part of what Be Well 365 did
9 was support emotional health also?

10 A. That was part of the -- the goal.

11 Q. Do you think emotional health and mental
12 health are fairly similar concepts?

13 A. Yes, in general.

14 Q. Okay. Do you know if the current
15 leadership of Montgomery County Public Schools has
16 continued your work with Be Well 365?

17 A. I don't know. I did look. It's still on
18 the website. But I don't know to what degree
19 they're continuing to do it.

20 Q. Okay. Do you know if Montgomery County
21 Public Schools considers cybersafety to be a
22 component of Be Well 365?

23 A. It was not part of the discussion during
24 the formation of Be Well 365 necessarily. I mean,
25 it certainly could have been a subtopic in an

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1 area, certainly bullying was, and so I don't know.
2 But Be Well 365 was profoundly interrupted by the
3 COVID 19 situation we all faced, the pandemic, and
4 so I don't know what's happened with it beyond
5 that.

6 Q. Can we pull up Tab T.

7 I'm happy to give you -- again, it's a
8 very long image.

9 But so this is the Montgomery County
10 Public Schools --

11 MR. PISTILLI: Would you like to see a
12 paper copy?

13 THE WITNESS: I'm okay with this. I
14 don't think I could read the paper copy.

15 BY MR. LEE:

16 Q. Yeah, it's tough with web pages. They
17 don't always print correctly.

18 Anyways, this is the Be Well 365
19 landing page for Montgomery, so -- is that right?

20 A. I'm sorry, are you asking me if-

21 Q. Yeah, is -- does --

22 A. Yeah, as far as I can tell from this,
23 that's exactly what it is.

24 Q. Okay. Can we -- let's see. Now I'm
25 trying to read this.

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1 So can we scroll down to -- just keep
2 going, keep going, keep going, and then, it's all
3 the way, yeah, a little bit further, a little bit
4 further. It's the "Character Education and
5 Empathy."

6 So -- so do you see that this is
7 apparently a part of Be Well 365, "Character
8 Education and Empathy"?

9 A. I do see that.

10 Q. Okay. And then do you see that the third
11 piece here is, "Social Media Digital Citizenship/
12 Common Sense Education"?

13 A. I do see that.

14 Q. Okay. Do you know where that goes if you
15 click on that hyperlink?

16 A. I do not know.

17 Q. Okay.

18 All right. Can we mark -- did we mark
19 that? I think we need to mark that as Exhibit 12.

20 LITIGATION TECHNICIAN: Should be 11.

21 MR. LEE: 11. Okay.

22 (Meta-Smith-11 marked.)

23 MR. LEE: And then can we pull up
24 Tab U. And let's mark that as 12.

25 (Meta-Smith-12 marked.)

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1 BY MR. LEE:

2 Q. Okay. So --

3 MR. PISTILLI: Do you have paper
4 copies for us?

5 MR. LEE: Yeah.

6 BY MR. LEE:

7 Q. Okay. So let us --

8 MR. PISTILLI: I think you ...

9 MR. LEE: Yeah.

10 BY MR. LEE:

11 Q. So you see this page says "Cybersafety"?

12 A. I do see that.

13 Q. Do you know if this is one of the landing
14 pages from the Be Well 365 website?

15 A. I -- I assume it is.

16 Q. Okay. And this says, "MCPS is dedicated
17 to ensuring the safety of all students and staff."

18 Is that correct?

19 A. Yes.

20 Q. Okay.

21 Can we scroll down just a little bit
22 so we can see the top part and then get the -- the
23 statistics in there. Yeah, that's great.24 Okay. So I'm just going to read a
25 little bit of this. It says, "According to the

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1 U.S. Surgeon General's Advisory on Social Media
2 and Youth Mental Health, the number of teens who
3 are 'almost constantly' online has roughly doubled
4 since 2014. In today's digital world, educating
5 students about online safety is crucial."

6 Did I read that correctly?

7 A. Yes.

8 Q. Okay. So the -- this refers to the U.S.
9 Surgeon General's "Advisory on Social Media and
10 Youth Mental Health." Is that the document that
11 we spoke about earlier, the Surgeon General
12 advisory?

13 A. Yes.

14 Q. Okay. And that's the document that you
15 said did not change your opinion?

16 A. That document did not change my opinion
17 or my understanding.

18 Q. Okay. And were you aware of the
19 statistic that the number of teens who were almost
20 constantly online has roughly doubled since 2014?

21 A. I have seen that statistic.

22 Q. Okay. And that doesn't change your
23 opinion either?

24 A. No, it has not changed my opinion.

25 Q. Do you agree with the statement, "In

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1 today's digital world, educating students about
2 online safety is crucial"?

3 A. I think it's an important part of the
4 overall experience students have in school because
5 the digital world is pervasive.

6 Q. Okay.

7 Let's see. So in that first statistic
8 -- or, percentage, really, over there it says,
9 "95% of teens have access to a smartphone, while
10 90% have access to a computer."

11 Have you seen that statistic before?

12 A. Yes, I have seen that statistic before.

13 Q. Okay. And that doesn't change anything
14 about your opinion?

15 A. Does not change my understanding of
16 anything that I've looked.

17 Q. Okay. And then the statistic to the
18 right, it says, "95% of children ages 13-17 report
19 using a social media platform." I'll note that
20 the source is Pew Research Center.

21 So have you -- are you familiar with
22 that statistic?

23 A. I believe I have seen that before, yes.

24 Q. Okay. And so that's generally consistent
25 with what you described as pervasive social media

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1 use?

2 MR. PISTILLI: Objection; misstates
3 prior testimony.

4 THE WITNESS: Yes.

5 BY MR. LEE:

6 Q. Okay. And then, this third statistic is
7 "50% of teens say they use the Internet 'almost
8 constantly.'"

9 I'm -- you've probably seen this
10 statistic before?

11 A. I think so.

12 Q. Yeah, okay.

13 And you considered it when you drafted
14 your report?

15 A. I did. It was out -- these things are
16 outside the scope of the report and what I was
17 asked to do, but I believe I came across all of
18 them when I was looking at the information.

19 Q. Okay. I don't know if I agree with that,
20 but that's okay.

21 So this is -- this must have been
22 published after you were no longer superintendent
23 of Montgomery County; is that correct?

24 A. 2023. That would be correct.

25 Q. Right.

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1 And that's because it includes the
2 U.S. Surgeon General report -- or, advisory and a
3 number of 2023 statistics; is that correct?

4 A. That appears to be what is here, yes.

5 Q. So do you know if Montgomery County
6 Public Schools is a part of this litigation?

7 A. I believe I have heard that they are.

8 Q. Okay. If you were in charge of
9 Montgomery County Public Schools, would you advise
10 them not to participate in this litigation?

11 A. I would advise them not to participate in
12 this litigation.

13 Q. Okay. Have you ever participated in any
14 other litigation based on an elected -- have you
15 ever been a part of a litigation based on an
16 addictive product on behalf of Montgomery County
17 Public Schools?

18 A. Not to any recollection I have, no.

19 Q. Were you aware of Montgomery County's
20 participation in the Juul class action lawsuit?

21 A. If Montgomery County participated in the
22 Juul class action lawsuit, then that means the
23 general counsel directly defied what I said to him
24 prior to the COVID -- and what he told me is that
25 we -- he didn't think we should. And I said,

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1 Good, I agree with you. And that was the end of
2 the conversation.

3 Q. Who was general counsel?

4 A. Josh, what's his last name? Just left
5 me. I worked with him for four years. Josh
6 Civin.

7 Q. Okay. And so why did you tell him to not
8 participate in the litigation?

9 A. I started working in schools in 1980, and
10 we had a smoking area in 1980. In 1986 or '87,
11 Washington state, as a principal, I think, I was
12 asked to -- to chair a citywide in Richland,
13 Washington, committee on whether or not we should
14 get rid of the smoking area at our high schools.

15 Virtually all high schools, the vast

16 majority, had a smoking area at that time.

17 Smoking has been a part of schools since the very
18 first day I walked into a school. And I could see
19 no reason why we would get involved in the issue
20 of smoking with a company. It's not part of the
21 core mission. It's not part of what you do as a
22 school system.

23 Q. So were you in favor of removing the
24 smoking area or ...

25 A. Well, actually, it's an interesting

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1 question. The state of Washington outlawed
2 smoking on public property in the middle of the
3 study, so it took the question away.

4 Q. Well, what was your opinion on it at the
5 time?

6 A. I had mixed emotions. Smoking in a
7 school was a management problem, not a health
8 problem. Because the school sat in a suburban
9 area, and I am not exaggerating, I had many, many
10 disruptions to my day as an assistant principal
11 and then a principal from kids smoking in people's
12 shrubbery in the suburban houses surrounding this
13 large high school and -- middle of the high
14 school.

15 So it was -- it's a health problem;
16 it's a management problem; it's a lot of things,
17 so ...

18 Q. So did -- that management problem led to
19 loss of time?

20 A. Yes, it led to a loss of time. It also
21 led to problems for the neighbors. That was the
22 bigger issue is their concern.

23 Q. Okay. And then, did you experience any
24 of these issues with Juul?

25 A. I don't -- I can't speak to that. What

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1 we had were, we'd have kids occasionally smoke in
2 restrooms or other areas they didn't think they
3 would be identified in schools.

4 Q. Okay. Are you aware that Montgomery
5 County claimed that it was forced to expend
6 operational costs to step up its efforts in
7 tobacco control as a result of Juul?

8 A. I wasn't aware that Montgomery County was
9 included in the lawsuit, so I wasn't aware of any
10 of it.

11 Q. Did you ever conduct any antismoking or
12 vaping programs?

13 A. I'm sure there were some part of our
14 health program from the state and from each of the
15 school systems I've worked in since my earliest
16 career days.

17 Q. Okay. And where did the funding for
18 those come from?

19 A. They came -- I suppose there were some
20 grants at different times, but primarily they came
21 from the operating budget, the funding we were
22 given from the state and -- and local governments.

23 Q. Okay. Do you know if any of them came
24 from litigation?

25 A. I don't know whatever happened to this

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1 particular litigation, so I can't speak to that.

2 Q. Are you aware that big tobacco companies
3 were alleged to have committed fraud because they
4 hid the dangers of smoking from the public?

5 A. That wasn't really part of what I
6 looked at for this report. I'll tell you,
7 personally, I did hear that over the years.

8 Q. Are you aware that plaintiffs in this
9 case allege that social media companies committed
10 fraud by hiding the dangers of their addictive
11 products from the public?

12 A. I have --

13 MR. PISTILLI: Objection; foundation.

14 THE WITNESS: -- I have seen that in
15 materials I reviewed.

16 BY MR. LEE:

17 Q. Okay. Are you aware that former Facebook
18 employees testified to Congress in 2020 that "We
19 took a page from Big Tobacco's playbook, working
20 to make our offering," meaning Facebook,
21 "addictive at the outset"?

22 MR. PISTILLI: Objection; scope.

23 THE WITNESS: Yeah, I don't -- I don't
24 know that I've ever seen that. I did see, in the
25 document you shared with me earlier,

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1 whistleblowers in that document, so . . .

2 BY MR. LEE:

3 Q. Okay. Were you aware that the
4 whistleblowers were -- testified to Congress under
5 penalty of perjury, as you are today?

6 MR. PISTILLI: Objection; scope.

7 THE WITNESS: I'm thinking if I had
8 ever heard that before, and I don't -- I don't
9 know. I didn't -- it wasn't part of what I looked
10 at.

11 Q. Okay.

12 Can we pull up Tab NNN. Okay. So
13 this is Exhibit 14.

14 VIDEO TECH BILY: 13.

15 MR. LEE: 13. Ahead of myself again.

16 (Meta-Smith-13 marked.)

17 BY MR. LEE:

18 Q. So this is testimony by Tim Kendall to
19 the House Committee on Energy and Commerce.

20 Do you see that?

21 A. I do see that.

22 Q. Okay. And then, let's look at -- can we
23 go to the fifth paragraph, "My path . . ."

24 So I'm going to read a little bit.

25 It says, "My path in technology

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1 started at Facebook where I was the first Director
2 of Monetization. I thought my job was to figure
3 out the business model for the company, and
4 presumably one that sought to balance the needs of
5 its stakeholders - its users, its advertisers, and
6 its employees. Instead, we sought to mine as much
7 human attention as possible and turn into
8 historically unprecedented profits."

9 Did I read that right?

10 A. Yes.

11 Q. Okay. And, continuing, "To do this, we
12 didn't simply create something useful and fun. We
13 took a page from Big Tobacco's playbook, working
14 to make our offering addictive at the outset."

15 Did I read that correctly?

16 A. That is correct.

17 Q. Okay. Do you think that the director of
18 monetization at Facebook, the first one, would
19 presumably have some insider knowledge about
20 Facebook?

21 MR. PISTILLI: Objection; foundation,
22 scope.

23 THE WITNESS: It's totally outside the
24 range of what I was asked to think about, look at,
25 write about, so I don't -- I don't have an opinion

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1 about what this person said; that it has any
2 bearing on what I came here to talk about today.

3 BY MR. LEE:

4 Q. Okay. So if a person tells you that
5 they're going to do something, is that
6 demonstrative that they intended to do that thing?

7 MR. PISTILLI: Object to the form.

8 THE WITNESS: Well, hypothetically
9 speaking, I would need to have a lot more
10 information to really know what the circumstance
11 is here.

12 BY MR. LEE:

13 Q. Okay. Is it fair to say that you didn't
14 consider this information in forming your report?

15 A. This information was not part of my
16 report.

17 Q. Okay. Do you agree that addictive
18 products should be carefully marketed to youth?

19 MR. PISTILLI: Objection; scope.

20 THE WITNESS: My question would be:
21 Do I agree that addictive products should be
22 marketed and to what degree and how addictive and
23 to whom? And I -- it just has a myriad of
24 questions. And we know there are a lot of
25 addictive products on the market. So it's -- it's

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1 not part of the range of what I was asked to talk
2 about, write about, think about it. It's a big
3 question.

4 BY MR. LEE:

5 Q. Well, in your experience as a school
6 administrator, surely you dealt with addiction
7 crises at some point or another, didn't -- did you
8 not?

9 MR. PISTILLI: Objection; foundation.

10 THE WITNESS: Students being addicted,
11 adults being addicted, I've experienced that as a
12 school administrator.

13 BY MR. LEE:

14 Q. Okay. Like what about cigarette
15 addiction, we spoke a little bit about that
16 earlier, did you feel that cigarettes should be
17 marketed carefully to youth?

18 A. It's very far outside the range of what
19 I was asked to talk about today, so I don't really
20 have opinions formulated right now about that that
21 I would -- could share with you.

22 Q. Do you think the marketing of cigarettes
23 affected schools, in your experience as a
24 superintendent?

25 MR. PISTILLI: Objection; scope.

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1 THE WITNESS: It's not something I've
2 ever actually thought about, the marketing of
3 cigarettes, I truly haven't.

4 BY MR. LEE:

5 Q. Did you discourage students in your
6 school systems to not smoke cigarettes?

7 A. We strongly discouraged them from smoking
8 cigarettes on campus, and we offered health
9 curricula to promote good lifestyle habits that
10 would include not smoking.

11 Q. Okay. And why did you offer that health
12 curricula?

13 A. For a number of reasons. It's mandated
14 by the state you live in typically, like it is in
15 Maryland. Typically, we want students to make
16 good choices, and at the same time, ultimately
17 those are their choices as they grow older; and
18 they can still make those choices. And so we just
19 give them the information, and it's up to them.

20 Q. Dr. Smith, do you have any children?

21 A. I have five children.

22 Q. How old are they?

23 A. They range from 35 to 43.

24 Q. Okay. So they -- social media probably
25 was not a large part of their life, given the age?

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1 A. █ graduated in 2009, and he was the
2 last one. So it was less available by the time he
3 graduated from high school, although ...

4 Q. Do you have any grandchildren?

5 A. I have eight grandchildren.

6 Q. Congratulations.

7 A. Thank you. It's a good thing.

8 Q. Yeah.

11 A. The oldest one, who is -- just turned 16,
12 on a very limited basis.

13 Q. Why on a limited basis?

14 A. Well, without getting deeply into my
15 family, her parents are divorced. My daughter is
16 married to her father. And the parents, the
17 mother and the father, have different views. So
18 they have different requirements for phones.
19 That's really all it is.

20 Q. Do you have an opinion on whether that's
21 a good thing or a bad thing?

22 A. What thing?

23 | 0. Limiting the use of a phone.

24 A. I think that I have an opinion that you
25 are very aware and limit everything your children

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1 do if necessary.

2 Q. Do you think limiting the amount of
3 social media children consume is appropriate?

4 MR. PISTILLI: Objection; scope.

5 THE WITNESS: Once again, it's not
6 what I was asked to write about. Personally, I
7 would say it depends on the child.

8 BY MR. LEE:

9 Q. "Depends on the child," meaning -- what
10 do you mean by that?

11 A. Their activities, their interests, what
12 they naturally are inclined to do.

13 Q. What kind of social media do your
14 grandchildren use?

15 A. I have no idea.

16 Q. Fair enough.

17 Okay. Do you limit screen time when
18 you're with your grandchildren?

19 A. For them or for myself?

20 Q. I guess both.

21 A. No, I don't use screens a lot, and
22 usually we're doing something else.

23 Q. Okay. All right.

24 Can we pull up the report, Exhibit 2,
25 Page 51, Paragraph 182.

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1 Okay. So in this paragraph, in -- are
2 you -- are you on 182?

3 A. I am. Thank you.

4 Q. Yeah. So you talk a little bit about an
5 email exchange from October 19th, 2021; is that
6 right?

7 A. I see that, yes.

8 Q. Okay. And then it's -- I'll -- just let
9 me read that last paragraph, because I'm sure
10 you're aware of what you wrote in your report, but
11 "The implied concern about where Mr. Spence might
12 'go with the narrative' suggests that the system
13 wanted to provide parents with a particular
14 viewpoint, rather than provide them with accurate
15 information from a person who spends every day
16 with students, understands what is actually
17 happening in schools, and who will say, 'it's the
18 minority of students who don't use social media
19 properly...' While offering a parent information
20 session on any topic can be worthwhile, it is
21 critical that school systems give accurate
22 information that reflects the complexity and
23 nuance inherent in a topic rather than a preferred
24 narrative."

25 Did I read that correctly?

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1 A. You did.

2 Q. So are you -- it -- are you implying that
3 Harford tried to suppress what Mr. Spence had to
4 say about social media?

5 A. It says here "Brad" Spence "is an
6 advocate of social media, though - he will say
7 it's the minority of students who don't use social
8 media properly... just so you know where I think
9 he'll go with the narrative. Other administrators
10 who come to mind in terms of social media, only
11 come to mind because they're active on social
12 media; not that they are using it strategically."

13 I was reacting purely to what the
14 content of the email said --

15 Q. Okay.

16 A. -- which is "I may not choose this person
17 to speak because we may not like what he says."

18 Q. So do you know if Harford ended up
19 creating the video that's --

20 A. I have no --

21 Q. -- referenced?

22 A. -- idea. I don't -- I don't know.

23 Q. Okay. Can we go to the report at 57,
24 Paragraph 198.

25 A. Paragraph 198?

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1 Q. Yeah.

2 If we could just scroll down.

3 Actually, there is, I think it's a screenshot, on
4 Page 58. You see it starts with "The HCPS Parent
5 Academy"?

6 A. Yes.

7 Q. Yeah. So you reviewed this statement.

8 And I believe this was from the Harford Plaintiff
9 Fact Sheet.

10 Does that sound right?

11 A. That sounds correct.

12 Q. Okay. And then you can see the third one
13 says, "Parent Academy Real Talk: Social Media ..." and it has a YouTube link; is that correct?

14 A. That is correct.

15 Q. Okay. Did you watch that YouTube video?

16 A. I did not watch that YouTube video.

17 Q. Okay.

18 So let's pull up the video, which I
19 pulled off of YouTube from that link. This is
20 Tab VVV. And I'll represent to you it was posted
21 on November 18th, 2021, so about a month after the
22 email that we discussed earlier.

23 So we can just start playing it.

24 (Video played.)

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1 MR. LEE: Can we pause.

2 BY MR. LEE:

3 Q. Okay. So did you see that Mr. Brad
4 Spence is introduced here as a speaker on this, I
5 guess, panel?

6 A. Yes, I do see that.

7 Q. Okay. And Mr. Spence is the gentleman
8 who is referred to as the -- in the email from
9 Jillian Lader to Mary Beth Stapleton?

10 A. I do see that.

11 Q. Okay. And then -- and then you saw that
12 Mary Beth Stapleton is the moderator of this
13 panel?

14 A. Yes, I do see that.

15 Q. Okay. So would it be accurate to say
16 that Mr. Spence was, in fact, allowed to give his
17 opinion on social media, it appears?

18 MR. PISTILLI: Objection; foundation.

19 THE WITNESS: It would be accurate to
20 say he was allowed to give his opinion, but what I
21 was reacting to here is the other staff members,
22 not him at all. I had no interest in him. I was
23 reacting to two staff members discussing whether
24 or not they would like what he would say. That's
25 a particularly important point in a school system.

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1 BY MR. LEE:

2 Q. Okay. So -- so those two staff members,
3 you know, were considering whether they liked what
4 he would say, but they ultimately allowed him to
5 say what he wanted to say?

6 MR. PISTILLI: Objection; foundation.

7 THE WITNESS: I -- there's no way for
8 me to know why he's on the panel. Either they
9 could have allowed it or someone else could have
10 allowed it or -- I have no way of knowing that.

11 BY MR. LEE:

12 Q. Well, you don't think that the email
13 implies that because he's knowledgeable about
14 social media that is why he is on the panel?

15 A. I think the email implies that he's the
16 most in touch, or whatever word/phrase you want to
17 use, but that they have concerns about what he
18 might say; and then, later on, we see four
19 activities between 2017 and 2025, and he's engaged
20 to one of them.

21 Q. Okay. And are assistant principals
22 generally the primary speaker for a school
23 district or for a school system?

24 A. Depends --

25 MR. PISTILLI: Object to form.

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1 THE WITNESS: -- entirely on the
2 circumstance. They might be. It's not unusual to
3 have assistant principals present in meetings,
4 public community forums, school board meetings.

5 BY MR. LEE:

6 Q. Did you gather from this video that
7 Harford is attempting to portray social media in
8 an entirely negative light?

9 A. I -- I didn't see much of the video, but
10 I didn't hear anything that would cause me to
11 think that.

12 Q. Okay. And was this before, during, or
13 after the pandemic?

14 A. This Parent Academy was August 17th,
15 2022, so typically you would think it's after the
16 pandemic; although, people are still wearing masks
17 in this video. 20 -- that would be the '22-'23
18 school year that was starting, so depends on what
19 each individual thinks if the pandemic was over or
20 not.

21 O. No, that's fair.

22 A. Yeah.

23 0. Okay.

24 Can we go to the 2 minute and 39
25 second mark and then press Play.

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1 (Video played.)

2 MR. LEE: Okay. Hit Pause.

3 BY MR. LEE:

4 Q. So, Dr. Smith, did you hear Mr. Spence
5 discuss both the benefits and the drawbacks of
6 social media in this snippet?

7 A. Yeah, I don't really understand what he's
8 saying, but I think that is accurate. It's -- you
9 know, there's both positive and negative, he's
10 saying. But it's, once again, well outside the
11 scope of what I was asked to look at or know
12 about, frankly.

13 Q. Well, Dr. Smith, this YouTube link was
14 not only included in the Plaintiff Fact Sheet but
15 it was included in your report. You took a
16 screenshot of it. So I think it's well within the
17 scope of your opinion. I think this is the kind
18 of internal document that, you know, you were
19 asked to look at, and it appears that you
20 didn't --

21 MR. PISTILLI: Is that a question?

22 BY MR. LEE:

23 Q. -- is that correct? Did you look at this
24 document? Yes or no.

25 A. I did not look at this video, but what I

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1 was clearly stating, if you look in response to
2 the question, there were four activities between
3 2017 and 2025. Part of how I developed my
4 understanding of Harford County's reaction was to
5 look at the activities that were done. That was
6 my point here. And I -- and I even say, it was a
7 list of four events between 2017 and 2025.

8 What those events and the content of
9 those events is not part of the scope of what I
10 was asked to look at. It was like, Is this
11 something a school system is spending a tremendous
12 amount of time on and costing them resource, four
13 activities in eight years?

14 And -- and maybe 2025 isn't fair. I'd
15 have to go back and look and see when this
16 document was signed, this Plaintiff Fact Sheet.
17 But in six years, in seven years, in the life of a
18 school system, that's not a lot of information to
19 put out.

20 Q. Do you agree that this information was
21 directly presented to parents?

22 MR. PISTILLI: Objection --

23 THE WITNESS: Anyone who --

24 MR. PISTILLI: -- to foundation.

25 THE WITNESS: -- watched this would

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1 have seen this, yes.

2 BY MR. LEE:

3 Q. Okay.

4 A. But it wasn't part of the scope of what I
5 was asked to do is to evaluate what the panelists
6 said about this.

7 Q. I -- so I don't - I don't want to do
8 this, but we are in a deposition. You cannot make
9 your own scope objections. You cannot define the
10 scope of what's in there. I get to ask the
11 questions. You answer them. That's what we're
12 here to do today.

13 Do you understand that?

14 MR. PISTILLI: No, he does not
15 understand that because you've misstated the
16 exercise. The witness is fully entitled to tell
17 you what he was and was not asked to look at as an
18 expert, and that is what he is doing.

19 MR. LEE: I understand that, but this
20 is a video that was in his report. And if you
21 want to argue about it, we'll do it off the
22 record.

23 BY MR. LEE:

24 Q. But I am here to tell you, Dr. Smith,
25 that this video was in your report. I can ask you

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1 questions about it. Okay?

2 A. I do understand that.

3 Q. Okay. Thank you.

4 A. And my response is, there were four
5 activities between 2017 and whenever the document
6 was signed. If I misstated 2025, I apologize. It
7 was purely in error. But it was -- it's in here
8 somewhere when it was signed.

9 Q. Did you hear Mr. Spence say that direct
10 messaging is where some of the more seedy things
11 are happening?

12 A. I wasn't sure what he was talking about
13 specifically. He said something about
14 front-facing. I'm not familiar with this platform
15 at all, so there's no way for me to talk about it
16 in any meaningful way.

17 Q. Okay. Did you ever have any issues as a
18 school superintendent with students sending direct
19 messages to each other?

20 A. Like Instant Messaging on your phone; is
21 that what you mean?

22 Q. I mean direct messaging via social media.
23 It's -- yeah.

24 A. I wouldn't know how to separate those
25 from a text message or direct message because I

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1 wouldn't have thought about it that way. If it's
2 a message, I wouldn't necessarily have asked what
3 the vehicle was if someone sent something to
4 someone else, but I would have known it was a
5 message from one person to another.

6 Q. Okay. So you wouldn't have known if it
7 was sent via social media?

8 A. Or text messaging, right. I might have
9 known at the moment, but I don't remember that.

10 Q. Okay. And even though those issues don't
11 have to do with learning how to read, write, or do
12 math, the school still has to address those
13 issues, right?

14 A. If it's something that comes up involving
15 a student or a group of students, the school has
16 to address it.

17 Q. And that takes time?

18 A. Depends on what the issue is.

19 Q. Okay.

20 Let's continue the video.

21 (Video played.)

22 MR. LEE: Okay. Pause.

23 BY MR. LEE:

24 Q. Okay. So did you hear Mr. Spence say
25 that it took a lot of time to educate students on

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1 these social media challenges?

2 A. I did hear him say that.

3 Q. Okay. And do you have any reason to
4 dispute that it took a lot of time?

5 A. I think my reaction to that is, as an
6 assistant principal for three years, a principal
7 for, I think, 17, that's what you do is you talk
8 to kids about whatever is current, whatever is
9 happening in the world at that moment. You teach
10 them all the time about the world.

11 And so what he's doing, as far as I'm
12 concerned, sitting here, is he's being a -- a good
13 teacher, and I really appreciated what he said.
14 The more we taught them and worked with them, the
15 more they pulled back, realized -- and this isn't
16 specific to social media, the digital world, this
17 is what happens and is what -- no, what should
18 happen in a school every single day --

19 Q. Okay.

20 A. -- is what he was doing.

21 Q. Yeah.

22 So it takes time, and it takes time
23 beyond the four videos that you mentioned?

24 MR. PISTILLI: Object to the form.

25 THE WITNESS: Well, I didn't mention

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1 four videos. They mentioned four videos. All I
2 did was show what I found in the record. You
3 know, if you look at the -- I'm sorry, what page
4 was that on? It was one nine -- 198. Yeah, he
5 said, "Does your district use or provide any
6 materials to students, parents, teachers, or
7 staff regarding the potential risks or adverse
8 effects of using electronic devices" --

9 (Reporter clarification.)

10 THE WITNESS: -- "the Internet and/or
11 social media? Choose your answer (Yes/No). If
12 yes, provide a copy and identify the document(s)
13 responsive to this question. Harford responded
14 'Yes' and provided a list of four events between
15 2017 and 2025."

16 That's what I was doing, is just
17 simply reciting what they said about their own
18 school system.

19 BY MR. LEE:

20 Q. Okay. So would you agree that, you know,
21 these conversations that Mr. Spence was having
22 with his students are not apparent from the
23 records?

24 A. Would I agree that the conversa- -- I'm
25 trying to formulate, I mean --

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1 Q. Yeah.

2 A. -- your question in my head.

3 The work of the assistant principals,
4 principals, teachers would not necessarily be in
5 the record of all the many conversations they
6 have --

7 Q. Okay.

8 A. -- in a day.

9 Q. Okay. And that includes conversations
10 regarding social media, like the ones he was
11 discussing in this video?

12 A. All of the records and every kind of
13 content you could think about would be discussed
14 between kids and adults and --

15 Q. Yeah. And not necessarily discussed in
16 an email or written down or recorded?

17 MR. PISTILLI: Object to the form.

18 THE WITNESS: Well, they certainly
19 could be in all those things. They could be in
20 public comments to the school board, to the
21 administrators. They could be in union
22 statements, that you would find, to the school
23 system about perceptions or experiences. They
24 could be lots of places.

25 //

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1 BY MR. LEE:

2 Q. Dr. Smith, you heard them referring to
3 some social media challenges; is that correct?

4 A. Did hear that, yes.

5 Q. Do you know what those social media
6 challenges they're referring to are?7 A. In the record, there were conversations
8 about doing damage to bathrooms.9 Q. Is that the Devious Licks TikTok
10 challenge?

11 A. I'm sorry?

12 Q. Is that challenge called the Devious
13 Licks challenge?14 A. Perhaps. I don't remember the name of
15 the challenge.16 Q. Okay. Do you know if this -- did you
17 encounter this challenge when you were
18 superintendent in Montgomery County?19 A. I did not encounter it from -- in any way
20 intersecting with social media. I certainly
21 encountered damage to bathrooms --

22 Q. Okay.

23 A. -- without a doubt.

24 Q. But not damage to bathrooms that's
25 specifically attributed or -- I'm trying to use

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1 the right words here --

2 A. Right.

3 Q. -- you've to a social media challenge?

4 A. No.

5 Q. Okay.

6 All right. So do you know if this
7 TikTok challenge was popular before or after you
8 were superintendent?

9 A. I do not know the answer to that
10 question.

11 Q. Do you know if Montgomery County Public
12 Schools released a statement on this challenge?

13 A. I do not know the answer to that
14 question.

15 Q. Okay. And there is a -- did you hear
16 Ms. Stanton mention that she thinks some of these
17 challenges violate the bullying and harassment
18 policy?

19 A. Yes, I did hear her say that.

20 Q. Did you review the bullying and
21 harassment policy?

22 A. I did read the bullying and harassment
23 policy for Harford County Public Schools.

24 Q. Okay. Do you know what the policy was
25 updated?

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1 A. I cannot remember off the top of my head.

2 Q. Okay. Would you be surprised to know
3 that the bullying policy was updated in 2022?

4 A. No, I would not be surprised. I think
5 that might be referenced in my report. I know I
6 read it.

7 Q. Would you be surprised to know that the
8 updates to this policy added specific reference to
9 electronic communications and cyberbullying?

10 A. That would be typical of my experience
11 over the last 15 years.

12 Q. Okay.

13 So can we go to the report at Page 76,
14 Paragraph 253.

15 VIDEO TECH BILY: Counsel, did you
16 want to mark the video as 14?

17 MR. LEE: Yes, please. Thank you.

18 MR. PISTILLI: Are we done with the
19 video or -- I just, it's -- we've been going a
20 while. It's lunchtime. I don't want to cut you
21 off if you're in the middle of something, but I
22 can't really tell if you're in the middle of
23 something or not.

24 MR. LEE: I am in the middle of
25 something, and we can come back to the video after

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1 lunch if that's --

2 MR. PISTILLI: If you want to --

3 MR. LEE: -- if we need to.

4 MR. PISTILLI: -- if you want to
5 finish the video, that's fine.

6 MR. LEE: Okay. All right. I'm -- I
7 am pro breaking. Okay.

8 So can you go to the -- pull the video
9 down, and then pull -- and then mark it as
10 Exhibit 16 --

11 VIDEO TECH BILY: 14.

12 MR. LEE: -- 14.

13 (Meta-Smith-14 marked.)

14 MR. LEE: Numbers are really tough
15 today for me.

16 And then pull up the report, Page 76,
17 Paragraph 253.

18 BY MR. LEE:

19 Q. Okay. So I'm going to read a little bit.

20 It says, "Dr. Hoover also makes the
21 claim that Harford County Public Schools 'adjusted
22 student handbooks and school policies to reflect
23 the challenges posed by digital platforms.'
24 However, the only policy appearing to address
25 digital media was not updated for over a decade

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1 during the exact period the school district claims
2 social media was causing problems."

3 Did I read that correctly?

4 A. You did.

5 Q. And we just discussed the bullying and
6 harassment policy, and, you know, I represented
7 that was updated in 2022, and you said you
8 reviewed it. Is that a pretty accurate summary?

9 A. That is accurate.

10 Q. Okay. Do you think that the addition of
11 cyberbullying to that policy addresses digital
12 media?

13 A. The addition -- the cyberbullying to the
14 bullying and harassment policy?

15 Q. Yeah.

16 A. Yes.

17 Q. Okay. So is it accurate that there was
18 "'the only policy appearing to address digital
19 media was not updated for over a decade'"?

20 A. I think you could make the argument that
21 the bullying and harassment did reference digital
22 media and cyberbullying, yes.

23 Q. Okay. Thanks.

24 All right. Why don't we take lunch.

25 A. Okay.

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1 THE VIDEOGRAPHER: The time is 12:52,
2 and we are off the record.

3 (Recess taken.)

4 THE VIDEOGRAPHER: The time is 1330,
5 and we are back on the record.

6 MR. LEE: Okay. So before we get
7 started here, I just want to read from Judge Kohn
8 -- Kong's standing order: Deposition objections
9 shall be as to privilege or form only. Speaking
10 objections or those calculated to coach a deponent
11 are prohibited.

12 We've had a few conversations on the
13 record about this. I don't think we need to talk
14 about it, but I'm stating that for the record.

15 BY MR. LEE:

16 Q. Dr. Smith, you conducted an Antiracist
17 System Audit as superintendent of Montgomery
18 County Public Schools; is that correct?

19 A. Yes. We started one in the winter, right
20 before COVID is my memory, and then it was
21 disrupted by COVID, and I think it was completed
22 after I left.

23 Q. Okay. Would you describe that as a
24 report or analysis?

25 A. My memory is we receive -- we had a board

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1 presentation, and then I, frankly, don't remember
2 if there was a written document before I left or
3 not.

4 Q. Okay. Why did you think it was important
5 to study that issue at the time?

6 A. Actually, my deputy superintendent, who
7 was responsible to work with the chiefs, came and
8 proposed it to me and said she would like to look
9 at policies and procedures and practices across
10 the system to see if we had anything that was
11 causing systemic harm to any students based on
12 race.

13 An example of that would be that was
14 not based on race but was based on perceptions of
15 students, was we had kids who were passing the
16 high school assessment for algebra with high
17 scores, which was a graduation requirement, the
18 standalone assessment in algebra, and yet they
19 were getting a C or a D or even an F in the
20 course, and then being required to retake it.

21 So they were showing high levels of
22 proficiency, but they weren't doing well in the
23 course. And so they were -- we were looking at
24 policies, procedures, practices, you know, all
25 activities in schools just to say, Are there

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1 things like that that are systemic ways of doing
2 business that we should rethink?

3 Q. Okay. And so -- so that report studied
4 racism, or antiracism --

5 A. Yes.

6 Q. -- so it wasn't the case that racism
7 didn't exist before the report; it's just the
8 report was additional study of that issue?

9 A. Yes. Specific to the school system.

10 Q. Okay. And how much did that report cost
11 the school district?

12 A. I'm thinking. I believe it was in the
13 \$300,000 range, I think, for that particular
14 report. I don't remember.

15 Q. Okay.

16 Can we pull up Tab EEE, and then I
17 guess this will be Exhibit No. 16?

18 VIDEO TECHNICIAN: 15.

19 MR. LEE: 15.

20 (Meta-Smith-15 marked.)

21 BY MR. LEE:

22 Q. Okay. So do you recognize this as the
23 document that ultimately came of that study?

24 A. Well, I don't actually, because it came
25 in 2022, but I accept that it is --

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1 Q. Okay.

2 A. -- without any problem.

3 Q. Did you approve the funds to conduct this
4 study?

5 A. Actually, the school board had to approve
6 the funds.

7 Q. Okay.

8 A. That's the way it works.

9 Q. Did you object to approving the funds?

10 A. No.

11 Q. Okay.

12 A. My deputy superintendent, as my designee,
13 made the res- -- the recommendation.

14 Q. And you accepted that recommendation?

15 A. I did.

16 Q. Okay.

17 All right. I just want to flip to the
18 second page. Let's go to the disclaimer at the
19 bottom here.

20 Okay. And so in the last sentence of
21 that first paragraph it says, "MCPS paid \$454,680
22 to MAEC to conduct the" antiracism -- "Antiracist
23 System Audit through a board-approved
24 expenditure."

25 Did I read that correctly?

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1 A. I'm sorry, what page are you on?

2 Q. Oh, it's the second page, the disclaimer.

3 If you just flip --

4 A. Oh, okay --

5 Q. -- over.

6 A. -- I'm on the wrong page.

7 Q. Yeah. It might be easier to see on the
8 screen.

9 A. I'm sure it will be. Thank you.

10 Now I see it, yes.

11 Q. Yeah.

12 A. Okay. Got it.

13 Q. Yeah. So you said -- you know, you gave
14 an estimate, and it's fine that you didn't
15 remember --

16 A. Yeah.

17 Q. -- but this is a little bit higher than
18 that. It's about \$450,000. That's close to half
19 a million dollars. Does that sound right?

20 A. That is what it says it was paid, yes.

21 Q. Okay. Did you also commission a report
22 from --

23 MR. LEE: You can pull that down.

24 BY MR. LEE:

25 Q. -- from WilmerHale entitled: Addressing

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1 Supervision Structures for Athletics and
2 Extracurricular Activities, Including Reporting
3 Protocols for Bullying and Hazing?

4 A. We did have a report --

5 Q. Okay.

6 A. -- from WilmerHale on that topic, yes.

7 Q. Okay. And what was the incident that
8 caused you to commission that report?

9 A. There was an incident in a high school
10 locker room where some students said that they
11 were sexually assaulted by other students and
12 there was no adult in the locker room for almost a
13 half hour.

14 Q. Okay. And we talked about an alleged
15 sexual assault earlier. Was -- did this one
16 actually happen, or do you know?

17 A. I -- I do not know because it was
18 reported to the police the next morning after it
19 allegedly happened during football practice or
20 preparation for football practice, and the police
21 never shared any medical reports with me, any
22 police reports with me, as is the custom. That's
23 how it's typically done. And so I never saw any
24 of the evidence.

25 So I certainly am not debating that

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1 it -- it did or didn't happen. It just, I wasn't
2 involved.

3 Q. Okay. Do you believe bullying and hazing
4 are elements of school culture?

5 A. I believe they are often present in
6 schools, as well as lots of other things and lots
7 of other places.

8 Q. Would you describe the alleged sexual
9 assault as negative for school culture?

10 A. I think it's very negative, yes.

11 Q. Okay. And is that why you commissioned
12 this report?

13 A. I was particularly concerned that we had
14 25 high schools, and suddenly we had a locker room
15 that was not covered. My -- my interest was
16 supervision. It's extremely serious when adults
17 don't do what they're supposed to do.

18 Q. And how much did this report cost?

19 A. I don't remember, but I'm sure in the
20 same range as this one.

21 Q. Okay.

22 A. I don't --

23 Q. So about a half a million dollars?

24 A. I -- I would expect so. I don't
25 remember.

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1 Q. Okay. Do you think it was more or less?

2 A. I don't --

3 Q. Okay. That's fine.

4 A. -- I really don't know.

5 Q. That's fine.

6 A. Yeah.

7 Q. Okay. Dr. Smith, proportionally how much
8 larger is the Montgomery County Public Schools'
9 budget than the Harford County Public Schools'
10 budget; do you know?

11 A. At the time I left, the Montgomery County
12 Public Schools' budget was 2 point -- between 2.7
13 and \$2.8 billion. I don't remember what the
14 Harford budget was in the 2021 school year. I'd
15 have to look at that.

16 If you look at another way to measure
17 it, there are 165,000 students, when I was in
18 Montgomery County, it dropped to under 160 during
19 COVID. Harford had about 39,000 students, I
20 think. It goes up 40 -- 40 and a half, 39, 38 or
21 so, in that range, so four times by the number of
22 students.

23 Q. Yeah.

24 Well, let's pull up Tab LL.

25 A. Okay.

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1 Q. And mark as Exhibit 16.

2 (Meta-Smith-16 marked.)

3 BY MR. LEE:

4 Q. There you go.

5 So this is -- we are on Page 18 of
6 the PDF, which is actually, I'm trying to find
7 the -- the correct number, but it's Table 10, so I
8 believe in the internal pagination that's Page 12.

9 Okay. So have you seen one of these
10 documents before?

11 A. Yes, many times.

12 Q. Okay. And this was published by MSDE; is
13 that correct?

14 A. That is correct.

15 Q. Okay. And they're an accurate source of
16 data about schools?

17 A. Yes, within reason.

18 Q. Yeah.

19 A. I mean, they're always updated, but, yes,
20 they're not -- there's never any effort to not be
21 accurate with --

22 Q. I understand.

23 A. -- with the State Department of
24 Education.

25 Q. Okay. So do we see Harford -- it's in

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1 that third grouping, yeah, right there.

2 So the current total expenditures,
3 that's \$534,585,939; is that correct?

4 A. That's correct.

5 Q. Okay. And then Montgomery is in the next
6 grouping at the top, and that's 2,804,198,964.
7 So, you know, that's -- proportionally how -- how
8 much larger is that?

9 A. It's about five times the money, is a
10 little over five times greater.

11 Q. Okay. And you said earlier, or your best
12 recollection is that Montgomery had about four
13 times as many students as Harford?

14 A. Yes --

15 Q. Okay.

16 A. -- because Montgomery gets more per
17 student than Harford. That's how that's
18 figured --

19 Q. Okay.

20 A. -- from the local government.

21 Q. Okay. Do you think it's -- so the -- or,
22 sorry, there's a couple of places in your report
23 where you state there's a lack of data regarding
24 Harford and social media; is that correct?

25 A. I think what I state is there is a lack

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1 of information regarding the impact of social
2 media on student mental health, therefore
3 increasing costs. That's the point of my report.

4 Q. So -- so you're saying that there's --
5 and, you know, feel free to help me out here, but
6 it's just, you're saying that there was a lack of
7 a study or something of that nature to link social
8 media to higher costs?

9 MR. PISTILLI: Objection.

10 BY MR. LEE:

11 Q. Is that accurate?

12 A. What I'm saying is that there is not
13 very -- not very much information in Harford's
14 record about their work around social media and
15 how that -- and student mental health and how that
16 increased the cost to the system to do that work.
17 That's what their case is, is my understanding.

18 Q. Do you think that for smaller school
19 districts with smaller budgets it's more difficult
20 financially to study issues as they arise?

21 A. That is another complex question, because
22 on one hand you may have -- even if you have a
23 smaller per-pupil allocation, you have overall
24 a larger budget. On the other hand, if you have a
25 smaller number of students, you have greater

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1 access and the ability to gather information is
2 significantly less cumbersome to do. And,
3 actually, a lot of the things that can be done
4 don't add any significant amount of money to do
5 research.

6 Q. Can you give me some examples?

7 A. Sure. Seating a committee on the
8 impact of -- of the smoking area on a high school,
9 that -- it costs one of your administrators or a
10 teacher/leader or whoever you -- one of
11 your -- head of your health program, nursing
12 program, some time to do meetings, to do
13 activities with a group of people, to sit, discuss
14 it, come out with some recommendations, and then
15 implement those recommendations.

16 It may have a cost, which you go to
17 your school budget and you start adding those and
18 you start justifying to your school board and
19 funders why you need the additional funds to do
20 it. So it just depends on what --

21 Q. Did Harford --

22 A. -- it is.

23 Q. Sorry, I didn't mean to cut you off.

24 Did Harford create a committee to
25 study cell phone use?

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1 A. It was my understanding they created a
2 committee to study cell phone use in anticipation
3 of looking at their policy.

4 Q. Okay. Was that before or after the
5 litigation?

6 A. I think it was pretty simultaneous.
7 They -- I think they changed the policy in '24, is
8 my memory.

9 Q. But when did the committee start?

10 A. The -- I think it was the year before.

11 Q. Okay.

12 A. I probably have it listed. It was all
13 kind of simultaneous and -- and could have even
14 started in early '22. School boards work very,
15 very slowly, so ...

16 Q. Okay. So is it possible that if Harford
17 received funding to study the social media issue
18 more closely, that it could find data?

19 MR. PISTILLI: Objection.

20 THE WITNESS: I'm not really sure how
21 to answer that question. I do think it's worth
22 noting that both Harford, Montgomery, and every
23 other school system in this country had tremendous
24 amounts of additional funding at the time because
25 of the COVID Relief Acts. I think there were four

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1 of them that passed.

2 And so there was money to look at lots
3 of different things around facilities and student,
4 they called it, learning loss, I say you can't
5 lose something you didn't get, and student -- the
6 effects of COVID on student mental health. All of
7 those things were allowable, in one way or
8 another, with all of that money.

9 BY MR. LEE:

10 Q. Was there money allocated to study the
11 effect of social media on student mental health in
12 the COVID Relief funds?

13 A. Was -- it was money to support student
14 mental health. It wasn't -- you know, you could
15 use it about mental health, and then you might ask
16 the question, What's the precipitating factor here
17 with mental health? So that we can get the best
18 solution. And -- because it was widely believed
19 that COVID was the precipitating factor in all of
20 this discussion about mental health.

21 Q. And social media existed before COVID?

22 A. Yes.

23 Q. Okay. And given that you commissioned an
24 Antiracist System Audit in 2022, you know, and, as
25 you said, racism did exist before then, is it

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1 possible that social media addiction existed prior
2 to any study --

3 MR. PISTILLI: Object to the form.

4 BY MR. LEE:

5 Q. -- of it?

6 A. Well, actually, I didn't commission the
7 study in 2022. We started it in, I think, 2019.
8 I'd have to go back and look. It was shortly --
9 it was within the year before COVID.

10 Q. Okay.

11 A. And that was completed in 2020 -- 2022,
12 excuse me, according to the document you shared
13 with me.

14 And while racism existed before this
15 study and social media existed before COVID, I
16 cannot say that social media addiction existed,
17 because I still am not clear on if it does exist,
18 and it was not in the scope of what I was asked to
19 do here.

20 Q. Yeah.

21 A. So those are just my opinions.

22 Q. Well, it could have existed, I mean, just
23 in a practical sense.

24 A. I --

25 MR. PISTILLI: Object to the form.

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1 THE WITNESS: -- I won't disagree
2 with you on that or agree with you on that. I'll
3 just -- that, you know ...

4 BY MR. LEE:

5 Q. Okay. Can we go back to Exhibit -- or,
6 wait, hold on. Let me ask some questions.

7 So, Dr. Smith, in your report, you
8 note the expansion of administration in school
9 districts across the country; is that right?

10 A. I did note that, yes.

11 Q. And do you feel that money spent on
12 administration is poorly spent?

13 A. I would not say that it was either a poor
14 expenditure or a beneficial expenditure, because
15 it would be very specific to how it was spent,
16 where it was spent, why it was spent, because the
17 variability under -- of all 13,800, or whatever
18 number there is right this minute, school systems,
19 the number of administrators they have varies
20 widely across the state, across the nation. It's
21 an amazing level of variability, or at least there
22 was -- it was throughout my whole career. I can't
23 speak to the last couple of years.

24 Q. Is it your opinion that Harford has
25 overspent on administration?

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1 A. I would have to look at information to
2 know or understand --

3 Q. Do you --

4 A. -- a lot more information that I've seen
5 about what their administrative load is and what
6 they do and how they code things, you know.

7 Q. So sitting here today, you don't have an
8 opinion on whether Harford has overspent on
9 administration?

10 A. What I shared in my report, and I think
11 it is salient, is overall administration has
12 increased in schools. And I think much of what I
13 wrote was in response or in thinking about
14 Dr. Osborne's assertion that administrators
15 couldn't do their jobs because they were
16 overwhelmed by issues of social media in schools.

17 Q. So that would apply generally to schools
18 but not specifically to Harford?

19 A. Well, it would depend on what Harford
20 terms an administrator, how that person does their
21 job, and what they actually do each day.

22 Q. Right. But sitting here today, you
23 don't -- you aren't expressing the opinion that
24 Harford overspent on administration?

25 A. I am not expressing that opinion --

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1 Q. Okay. Thank --

2 A. -- today.

3 Q. -- you.

4 Do you know if proportionally
5 Montgomery County spent more on administration per
6 pupil than Harford and in 2020 to 2021?

7 A. I would predict that we did; although,
8 that's hard to know because of scale. But
9 Montgomery has a history of spending a lot of
10 money on administration. But you have a very
11 large system, so it's hard to know, and -- and
12 historically a high level of money per student in
13 Montgomery.

14 Q. Okay. So would a per-pupil amount
15 of spending be a pretty accurate depiction of
16 proportionally how much money is spent on
17 administration?

18 A. Well, that -- that could inform you. If
19 you looked -- there should be a percentage of the
20 amount spent on administration in each school
21 system, and then there is an amount per-pupil
22 allocation. And if, you know, I mean -- if you
23 look at the number of students, and then you look
24 at how administrators are defined, and over time
25 the best way to look at that is to the trend line

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1 of that and what -- what's gone up and how much
2 it's gone up and why it's gone up. Could be
3 because it's very low.

4 I mean, I know I'm talking a lot, but
5 it's -- it's a massive conversation that we're
6 having right now in terms of -- and talking about
7 it without real numbers in front of me is ...

8 Q. Okay. Well, let's get you some real
9 numbers.

10 A. Okay.

11 Q. All right.

12 Page 9 of Tab LL, if we could go to
13 that. That's Table 3.

14 So this table is titled "Cost Per
15 Pupil Belonging by Category: Maryland Public
16 Schools: 2020-2021."

17 A. Yeah.

18 Q. Is -- did I read that correctly?

19 A. Yes.

20 Q. Have you looked this kind of chart
21 before?

22 A. Many times.

23 Q. Yes. Okay.

24 So again, like, let's identify
25 Harford, and then could you identify Montgomery

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1 too. Highlight that. Maybe we can zoom in a
2 little so Dr. Smith can see it.

3 A. I can see it.

4 Q. Yeah, okay.

5 So -- so that first statistic is the
6 "Total Cost per Pupil" of spending. Montgomery is
7 higher than Harford; is that correct?

8 A. Yeah, as I said --

9 Q. Yeah.

10 A. -- I expected it to be.

11 Q. Okay. And then the cost per pupil for
12 "Administration," Montgomery is higher than
13 Harford?

14 A. Yes.

15 Q. And then for "Mid-level Administration,"
16 same thing?

17 A. Yes.

18 Q. "Instructional Salaries and Wages," same
19 thing?

20 A. Right.

21 Q. "Textbooks and Instructional Supplies,"
22 same thing?

23 A. That's correct.

24 Q. Yeah.

25 And "Other Instructional Costs,"

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1 that's significantly higher?

2 A. Yes.

3 Q. Okay. So from this comparison, does
4 it appear to you that Harford is overspending on
5 administration?

6 A. Relative to other school systems in
7 Maryland?

8 Q. Yes.

9 A. I would say it doesn't look likely. But
10 without specific information, I wouldn't know.

11 Q. Okay.

12 All right. You can pull that down.

13 So, Dr. Smith, in 2019, you wrote an
14 editorial in The Washington Post regarding the
15 achievement gap for racial minorities and students
16 in poverty; is that right?

17 A. I do remember doing that.

18 Q. And it -- this was specifically about the
19 issue of aggregated and disaggregated data and how
20 aggregated data can hide issues that are affecting
21 certain populations within the larger population;
22 is that right?

23 A. That, I -- yes, I do remember that.

24 Q. Okay. And you noted that in Montgomery
25 County the school system has been seen as

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1 successful, while these achievement gaps persist
2 for over 50 years.

3 Does that sound right?

4 A. That's consistent with what I've seen,
5 yes --

6 Q. Okay.

7 A. -- across the board.

8 Q. And then, so you introduced the Equity
9 Accountability Model in Montgomery County Public
10 Schools specifically to take on this data
11 disaggregation project; is that right?

12 A. That would be accurate.

13 Q. Okay. And you studied a few groups,
14 black students affected by poverty, black students
15 not affected by poverty, Hispanic or Latino
16 students affected by poverty, and it goes on for a
17 little bit. Is that correct?

18 A. That would be accurate.

19 MR. PISTILLI: Object to the form.

20 BY MR. LEE:

21 Q. All right.

22 Okay. So were any of the groups that
23 were studied majority groups in the district?

24 A. I'm not sure I understand the question.

25 Q. Were they a majority or plurality of the

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1 population of students in your district?

2 MR. PISTILLI: Object to the form.

3 THE WITNESS: We looked all of the
4 student populations in the district. They were
5 all in the accountability model.

6 BY MR. LEE:

7 Q. But the focus was on minor -- minority
8 students?

9 A. No. The focus was on all students. And
10 one of the things we saw is that a majority of
11 students who were white and Asian not in poverty
12 were meeting or exceeding almost all of the
13 standards. When you looked at white and Asian
14 students in poverty, they were often not meeting
15 the standards, but they were small percentages of
16 those students.

17 Q. Would you say --

18 A. And that's not okay. Sorry.

19 Q. No, you're okay.

20 A. Yeah.

21 Q. So would you say white or Asian students
22 not in poverty, was that a majority or plurality
23 of students in Montgomery County at the time?

24 MR. PISTILLI: Object to the form.

25 THE WITNESS: Well, I can tell you the

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1 percentage of students at the time, if that's --
2 will answer your question.

3 In -- right before the pandemic, the
4 percentage of students would have been about
5 27 percent white, both poverty and nonpoverty, but
6 only about 5 percent of the white kids were in
7 poverty at that time.

8 I'm confident of these numbers.

9 Asian students made up about
10 15 percent of the -- the students in the system,
11 and that was a very small percentage -- I can't
12 give you the number off the top of my head -- who
13 were in poverty.

14 And, interestingly enough, and, you
15 know, as a person with an Asian background, you'll
16 understand this quickly, that's a -- kind of a
17 ridiculous way to lump kids together, because
18 there are a lot of different Asian cultural and
19 ethnic backgrounds. And we had many conversations
20 in our community about that.

21 And then, when you looked at African-
22 American students, they were about 22 percent, and
23 Hispanic Latino students were about 32 percent.
24 So I don't know if I hit a hundred there or not.
25 And then there was a small number of kids, about 5

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1 percent I think it was, who didn't identify.

2 Q. Okay.

3 A. And so when you look at those, in poverty
4 and nonpoverty, the African-American and Hispanic
5 students made up the vast majority of students who
6 were in poverty. It was about 50 percent of the
7 Hispanic student -- or the African-American
8 students and even more of the Hispanic students
9 made up that number.

10 So everyone was included. And it was
11 very much, as you used the term, a plurality when
12 you looked at how it was distributed across the
13 system.

14 BY MR. LEE:

15 Q. Yeah. So, I mean, to take your example
16 of you know, Asian American students, certainly
17 there is a lot of both economic and nationality
18 diversity in that group; is that correct?

19 A. That is accurate.

20 Q. Yeah. And it's important to look at
21 smaller populations within that, really that
22 subpopulation. You know, for -- for instance, I
23 don't -- I guess it would be, you know, Vietnamese
24 students in, perhaps in your area or -- versus
25 Chinese students; and even among Chinese students,

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1 there's probably differences between low income
2 and high income. Does that -- does that all sound
3 correct to you?

4 A. That all sounds accurate.

5 MR. PISTILLI: Object to the form.

6 BY MR. LEE:

7 Q. Okay. All right.

8 So do you agree that it's important to
9 take into account even smaller populations of
10 students; are there -- is it important to address
11 their needs?

12 MR. PISTILLI: Object to the form.

13 THE WITNESS: I believe that we should
14 pay attention to populations of students in any
15 way, and I use this term with all due respect,
16 with great respect, but when you take the data,
17 you're talking about real people, you're talking
18 about percentages that become raw numbers; raw
19 numbers become names; names become faces of kids.
20 And so you have to look at student populations to
21 see if there are discrepancies.

22 Then you look at each student and say,
23 What do you need and how can we help you, to the
24 degree it's part of our mission that we will do
25 this.

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1 BY MR. LEE:

2 Q. So there are smaller groups of students,
3 and paying attention to their needs is important,
4 even -- actually, let me start over.

5 You know, Dr. Smith, I think you
6 mentioned school missions being informed only by
7 population- level issues. And can you explain
8 why, you know, you embarked on this very, I think,
9 morally right decision to disaggregate data, and
10 you are now claiming that we should only focus on
11 population-wide issues?

12 A. Well, population-wide issues would
13 involve all populations in your school system.
14 And, like I said, when you slice and dice, you
15 want to pay attention to that. And then, the way
16 you determine or define a population is important
17 to what services you can and should provide in
18 that area, so if it's -- if it's based on
19 students' race or ethnicity, if it's based on
20 their income level, if it's based on their -- I
21 mean, parent background is an important student
22 population marker.

23 If you look at the old PSAT and
24 National Merit, that was an important thing they
25 looked at was students' educational background.

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1 They created a population of kids whose parents
2 didn't go to college, so that becomes a
3 population. So you look at all those populations.

4 And when I say "population level," I'm
5 talking about, What are the issues that schools
6 need to focus on and why, and what's the evidence?
7 Because you have so many competing priorities for
8 your money. So you've got to be confident that
9 what you're spending it on is really bringing
10 about solutions that are actually consistent with
11 the problem that you're trying to identify, and
12 that's a tough part of the whole thing.

13 Q. Yeah. So do you agree that social
14 emotional health is one of those priorities?

15 A. It would depend entirely on how that's
16 defined, in terms of -- for example, in special
17 education, one of the federal categorizations in
18 special education involves social and
19 psychological well-being. Then that's absolutely
20 a population that you're -- you're going to
21 respond to and work hard to meet their -- their
22 needs.

23 Q. Okay.

24 Let's see. Can we take a quick break
25 actually?

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1 MR. PISTILLI: Sure.

2 THE VIDEOGRAPHER: The time is 1404,
3 and we are off the record.

4 (Recess taken.)

5 THE VIDEOGRAPHER: The time is 1414,
6 and we are back on the record.

7 MR. LEE: Okay. Can we just pull up
8 Exhibit 9. And then, this was the responses and
9 objections. And I know there was a CV produced in
10 that document. If you just scroll past this, and,
11 I'm sorry, I don't know which page -- yeah, keep
12 going. That, there, yeah.

13 BY MR. LEE:

14 Q. So, Dr. Smith, do you recognize this
15 document?

16 A. I do.

17 Q. Okay. And then this is your CV that --
18 or résumé that you sent or that your counsel sent
19 to us?

20 A. Yes.

21 Q. Okay. And is this updated; is there
22 anything that needs to be added?

23 A. No, I don't believe so. I think this is
24 the most recent one I have.

25 Q. Okay. Just want to confirm that.

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1 Okay. You can pull that down.

2 Okay. Let's see. So I want to pull
3 up Tab V, which would be Exhibit 16.

4 VIDEO TECHNICIAN: 17.

5 MR. LEE: 17.

6 (Meta-Smith-17 marked.)

7 BY MR. LEE:

8 Q. And just real quick.

9 Is this the -- did you cite this blog
10 in your report, Dr. Smith?

11 A. I believe so. I did cite Matt Evans --

12 Q. Okay.

13 A. -- I know, and so I assume this would be
14 one of the documents I looked at for Matt Evans.
15 I think he's out of San Diego State, if I remember
16 correctly, or somewhere in San Diego.

17 Q. Are you aware of any biases that he may
18 have held based on what you know about him?

19 A. I am not aware of any.

20 Q. Okay.

21 We can pull that down.

22 And then, okay, do you recall citing a
23 document published by Internet Safety Labs in your
24 report?

25 A. I would have to look at it to remember.

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1 I looked at a tremendous amount of material.

2 Q. Okay. Do you know if Internet Safety
3 Labs is funded by any technology companies?

4 A. I do not know that, and I certainly would
5 not have used something if it had come to my
6 attention. I don't know if that's accurate or
7 not, but if it is ...

8 Q. Okay. All right.

9 Okay. I think that's -- that's all I
10 have.

11 EXAMINATION

12 BY MR. PISTILLI:

13 Q. I have just a very few questions for you,
14 Doctor.

15 First, could you take a look at your
16 report, which is Exhibit 2, and turn to
17 Paragraph 253.

18 A. 253?

19 Q. Yes.

20 Do you recall you were asked some
21 questions earlier about Paragraph 253?

22 A. I do.

23 Q. And at the time you were drafting your
24 report, were you aware of the 2022 update to
25 Harford's cyberbullying policy?

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1 A. I believe I was, yes. I believe I had
2 come across it in the drafting of the report, yes.

3 Q. Sure.

4 And could you just explain why you
5 didn't mention that update in Paragraph 253?

6 MR. LEE: Object to form.

7 THE WITNESS: I -- when I looked at
8 the policy on bullying and harassment and they
9 talked about cyberbullying, I was thinking about
10 bullying and harassment, not about digital -- the
11 digital world. But clearly, "adjusted student
12 handbooks and school policies to reflect the
13 challenges posed by digital platforms,"
14 cyberbullying can take many forms, but it is still
15 part of the digital world. So I -- it could have
16 been referenced here and identified.

17 BY MR. PISTILLI:

18 Q. But the existence of the 2022 update to
19 that policy, did it -- does your knowledge of that
20 update in any way alter your opinion that
21 Harford's contemporaneous records reveal minimal
22 discussion of social media and do not support its
23 claim that social media has been a significant
24 problem requiring significant expenditures?

25 MR. LEE: Object to form.

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8 BY MR. PISTILLI:

9 Q. And are you offering any expert opinions
10 in this matter regarding whether social media use
11 is capable of causing mental health harms?

12 A. No, I'm not at all offering that because
13 I think it's inconclusive and I don't know.

14 Q. And it's not part of your expert work in
15 this matter?

16 A. It is not part of my expert work in this
17 area. this field.

18 MR. PISTILLI: No further questions.

19 MR. LEE: Okay. All right. I'm all
20 good here too.

21 MR. PISTILLI: Okay.

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1 The time is 1420, and we are off the
2 record.

3 (End of proceedings at 2:20 p.m.)

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1 CHANGES AND SIGNATURE

2 WITNESS: JACKIE RAY SMITH, Ph.D.

3 DEPOSITION DATE: 9/12/2025

4 PAGELINE CHANGE REASON

5 _____

6 _____

7 _____

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1 I, JACKIE RAY SMITH, Ph.D., have read the
2 foregoing deposition and hereby affix my signature
3 that same is true and correct, except as noted
4 above.

5 -----
6 JACKIE RAY SMITH, Ph.D.
7

8 THE STATE OF _____)
9 COUNTY OF _____)
10

11 Before me, _____,
12 on this day personally appeared JACKIE RAY SMITH,
13 Ph.D., known to me (or proved to me under oath or
14 through _____) (description
15 of identity card or other document) to be the
16 person whose name is subscribed to the foregoing
17 instrument and acknowledged to me that they
18 executed the same for the purposes and
19 consideration therein expressed.

20 Given under my hand and seal of office
21 this _____ day of _____,
22 _____.
23

24 -----
25 NOTARY PUBLIC IN AND FOR
26 THE STATE OF _____
27 COMMISSION EXPIRES: _____

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1 REPORTER'S CERTIFICATION

2 DEPOSITION OF JACKIE RAY SMITH, Ph.D.

3 SEPTEMBER 12, 2025

4 I, Amanda Blomstrom, a Notary Public in and
5 for the District of Columbia, hereby certify to
6 the following:

7 That the witness, JACKIE RAY SMITH, Ph.D., was
8 duly sworn by the officer and that the transcript
9 of the oral deposition is a true record of the
testimony given by the witness;

10 That the deposition transcript was submitted
11 to the witness or to the attorney for the witness
12 for examination and signature;

13 I further certify that I am neither counsel
14 for, related to, nor employed by any of the
15 parties or attorneys in the action in which this
16 proceeding was taken, and further that I am not
17 financially or otherwise interested in the outcome
18 of the action.

19 Certified to by me this 15th day of September,
20 2025.

21 

22 _____
Amanda Blomstrom, CRR, RMR, CLR

23 Texas CSR No. 8785

24 California CSR No. 12681

25 Illinois CSR No. 84-3634